

LODI CITY COUNCIL

Carnegie Forum 305 West Pine Street, Lodi

AGENDA – REGULAR MEETING

Date: November 2, 2005

Time: Closed Session 5:45 p.m.

Regular Meeting 7:00 p.m.

For information regarding this Agenda please contact:

Susan J. Blackston City Clerk Telephone: (209) 333-6702

<u>NOTE</u>: All staff reports or other written documentation relating to each item of business referred to on the agenda are on file in the Office of the City Clerk and are available for public inspection. If requested, the agenda shall be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. To make a request for disability-related modification or accommodation contact the City Clerk's Office as soon as possible and at least 24 hours prior to the meeting date.

C-1 Call to Order / Roll Call

C-2 Announcement of Closed Session

- a) Conference with Blair King (Acting Labor Negotiator) regarding International Brotherhood of Electrical Workers and Lodi Police Officers Association, pursuant to Government Code §54957.6
- b) Actual litigation: Government Code §54956.9(a); one case; <u>People of the State of California; and the City of Lodi, California v. M & P Investments, et al.</u>; United States District Court, Eastern District of California, Case No. CIV-S-00-2441 FCD JFM
- c) Actual litigation: Government Code §54956.9(a); one case; Hartford Accident and Indemnity Company, et al. v. City of Lodi, et al., Superior Court, County of San Francisco, Case No. 323658
- d) Conference with legal counsel anticipated litigation significant exposure to litigation pursuant to subdivision (b) of Section 54956.9; one case; pursuant to Government Code §54956.9(b)(3)(A) facts, due to not being known to potential plaintiffs, shall not be disclosed
- e) Actual litigation: Government Code §54956.9(a); one case; <u>Fireman's Fund Insurance Company v. City of Lodi, et al.</u>, United States District Court, Eastern District of California Case No. CIV-S-98-1489 FCD JFM
- f) Actual litigation: Government Code §54956.9(a); one case; <u>City of Lodi v. Michael C. Donovan, an individual; Envision Law Group, LLP, et al.</u>, San Joaquin County Superior Court, Case No. CV025569

C-3 Adjourn to Closed Session

NOTE: THE FOLLOWING ITEMS WILL COMMENCE NO SOONER THAN 7:00 P.M.

- C-4 Return to Open Session / Disclosure of Action
- A. Call to Order / Roll call
- B. Invocation Chaplain Barbara Taylor, Lodi Police Chaplain
- C. Pledge of Allegiance
- D. Presentations
 - D-1 Awards None
 - D-2 Proclamations None
 - D-3 Presentations None

E. Consent Calendar (Reading; comments by the public; Council action)

- E-1 Receive Register of Claims in the amount of \$3,434,418.06 (FIN)
- E-2 Approve minutes (CLK)
 - a) September 27, 2005 (Shirtsleeve Session)
 - b) September 27, 2005 (Special Meeting)
 - c) October 4, 2005 (Shirtsleeve Session)
 - d) October 18, 2005 (Shirtsleeve Session)
 - e) October 25, 2005 (Special Shirtsleeve Session)
- Res. E-3 Adopt resolution awarding two-year contract for Elevator Services for City Facilities to Elevator Technologies, Inc., of El Dorado Hills (\$19,980), and authorize extension of the contract up to two years (PW)
 - E-4 Accept improvements under contract for Hale Park Playground Improvements, 209 E. Locust Street (PR)
- Res. E-5 Adopt resolution accepting improvements at 1020 South Beckman Road (PW)
- Res. E-6 Adopt resolution accepting improvements at 1349 East Kettleman Lane (PW)
 - E-7 Accept improvements under contract for Construction of the Lodi Unified School District Compressed Natural Gas and Fueling Station and authorize additional Change Order (PW)
- Res. E-8 Adopt resolution authorizing the City Manager to execute a professional services agreement with T. Mitchell Engineers & Associates for facility upgrades for Fleet Services shop and compressed natural gas fueling station expansion at the Municipal Service Center (\$15,400) (PW)
- Res. E-9 Adopt resolution adopting 2005-06 Federal Program of Transit Projects Lodi Urbanized Area (PW)
- Res. E-10 Adopt resolution amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fee (CD)
 - E-11 Authorize the City Attorney to execute letter in support of the petition for Supreme Court review in the case of <u>Macpherson v. City of Hermosa Beach, Case No. B174240</u> on behalf of the City of Lodi (CA)
 - E-12 Set public hearing for November 16, 2005, to consider an appeal of the Planning Commission's decision to deny the request of Kirk Smith on behalf of Velvet Grill for a Use Permit (U-05-011) to allow a Type 41 Alcoholic Beverage Control license for on-sale beer and wine with a restaurant at 1421 South Ham Lane, Suite A (CD)

F. Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

G. Comments by the City Council Members on non-agenda items

H. Comments by the City Manager on non-agenda items

I. Public Hearings

Res. I-1 Public hearing to consider the Planning Commission's recommendation of approval of the Ord.

Ord. request of John Costamagna for a Negative Declaration ND-05-04 and rezone from R-2,

Residential Single Family, to PD(37), Planned Development Number 37, for Luca Place, a 17-lot, low-density, single-family residential subdivision located at 1380 Westgate Drive (CD)

J. **Communications**

- J-1 Claims filed against the City of Lodi – None
- J-2 Appointments
 - Appointment to the Lodi Animal Shelter Task Force (CLK) a)
 - b) Post for expiring terms on the Lodi Senior Citizens Commission, the San Joaquin County Mosquito & Vector Control District, and the Site Plan and Architectural Review Committee (CLK)
- Miscellaneous None J-3

K. Regular Calendar

- Res. Adopt resolution approving the Americans with Disabilities Act Transition Plan and formulate a K-1 method to seek broad input for the purpose of obtaining community consensus regarding future use and improvements for the Grape Bowl (CD)
- K-2 Adopt resolution approving the Impact Mitigation Fee Program Annual Report for Fiscal Year Res. 2004-05 (PW)
- Res. K-3 Adopt resolution approving the policy and procedure guidelines for naming of parks, recreation facilities, and park features (PR)
- Res. K-4 Adopt resolution establishing procedures for the consideration of pre-annexation and development agreements (CA)
 - K-5 Approve expenses incurred by outside counsel relative to the Wal-Mart Supercenter Store litigation and miscellaneous general counsel advice (\$2,433.51) and approve Special Allocation covering these expenses (CA)

L. **Ordinances**

L-1 Take the following actions:

Ord. (Adopt)

- Ordinance No. 1765 entitled, "An Ordinance of the City Council of the City of Lodi a) Amending Lodi Municipal Code Title 13 - Public Services - Chapter 13.20, 'Electrical Service,' by Repealing and Reenacting Sections 13.20.175 (D)-(1), (5), and (6) Relating to Market Cost Adjustment Billing Factor; and Further Repealing Section 13.20.185 in its Entirety Relating to Preexisting Electric Rates" (CLK)
- b) Adopt resolution establishing Market Cost Adjustment(s) for electric utility rates to be Res. effective December 2, 2005 (EUD)

M. Adjournment

Pursuant to Section 54954.2(a) of the Government Code of the State of California, this agenda was posted at least 72 hours in advance of the scheduled meeting at a public place freely accessible to the public 24 hours a day.

| Susan J. B | Blackston |
|------------|-----------|
| City Clerk | |

AGENDA ITEM E-01



| AGENDA TITLE: | Receive Register of Claims Dated October 19, 2005 in the Amount of \$3,434,418.06 | | | | |
|---|--|--|--|--|--|
| MEETING DATE: | November 2, 2005 | | | | |
| PREPARED BY: | Finance Technician | | | | |
| | CTION: That the City Council receives the attached Register of Claims. The E/TCE expenditures is shown as a separate item on the Register of Claims. | | | | |
| BACKGROUND INFO dated 10/19/2005 whi | ORMATION : Attached is the Register of Claims in the amount of \$3,434,418.06 ich includes PCE/TCE payments of \$109,403.69. | | | | |
| FISCAL IMPACT: | n/a | | | | |
| FUNDING AVAILAB | LE: As per attached report. | | | | |
| | | | | | |
| | James R. Krueger, Finance Director | | | | |
| JRK/kb | | | | | |
| Attachments | | | | | |
| | | | | | |
| | | | | | |
| | APPROVED:Blair King, City Manager | | | | |

| As of Thursday | Fund | Accounts Payable Council Report Name | _ | - 1 - 10/19/05 |
|-------------------|--|---|--------------|-------------------|
| 10/06/05 | 00120 00123 00160 00161 00164 00170 00172 00180 00181 00210 00211 00234 00270 00300 00310 00340 01211 01250 | General Fund Vehicle Replacement Fund Info Systems Replacement Fund Electric Utility Fund Utility Outlay Reserve Fund Public Benefits Fund Waste Water Utility Fund Waste Water Capital Reserve Water Utility Fund Water Utility Fund Water Facilities Library Fund Library Capital Account Local Law Enforce Block Grant Employee Benefits General Liabilities Worker's Comp Insurance Comm Dev Special Rev Fund Capital Outlay/General Fund Dial-a-Ride/Transportation Expendable Trust | 7,598.61 | |
| Sum | | | 2,025,484.63 | |
| Total for Sum | Week | | 2,025,484.63 | |

| As of Thursday | Fund | Accounts Payable Council Report Name | | |
|-------------------|---|---|--|--|
| | 00103 00123 00160 00161 00164 00170 00172 00173 00180 00181 00182 00210 00235 00270 00310 00325 00327 00329 00331 00332 00340 01211 01250 | General Fund Repair & Demolition Fund Info Systems Replacement Fund Electric Utility Fund Utility Outlay Reserve Fund Public Benefits Fund Waste Water Utility Fund Waste Water Capital Reserve IMF Wastewater Facilities Water Utility Fund Water Utility Fund Water Utility-Capital Outlay IMF Water Facilities Library Fund LPD-Public Safety Prog AB 1913 Employee Benefits Worker's Comp Insurance Measure K Funds IMF(Local) Streets Facilities TDA - Streets Federal - Streets Federal - Streets Comm Dev Special Rev Fund Capital Outlay/General Fund Dial-a-Ride/Transportation Expendable Trust | 444,151.81 535.00 132.48 36,197.22 1,183.10 25,810.48 10,757.41 22,342.25 5,811.87 2,968.04 1,114.66 5,811.97 4,711.36 4,900.00 333,415.15 7,327.03 260,243.70 | |
| Sum | 00183 | Water PCE-TCE | 1,299,529.74 109,403.69 | |
| Sum | | | 109,403.69 | |
| Total for Sum | Week | | 1,408,933.43 | |

| 1 | | | Council Report for | Payroll | Page |
|--------------|----------|-------|----------------------------|---------|-------------|
| - т | | | | Date | - |
| 10/19/05 | | ~ | 2- | | ~ |
| | Pay Per | Со | Name | | Gross |
| Payroll | Date | | | | Pay |
| | | | | | |
| - Regular | 10/09/05 | 00100 | General Fund | | 831,480.09 |
| Regulat | 10/09/03 | | | | • |
| | | | Electric Utility Fund | | 149,586.53 |
| | | 00164 | Public Benefits Fund | | 5,024.00 |
| | | 00170 | Waste Water Utility Fund | | 71,810.73 |
| | | 00180 | Water Utility Fund | | 9,674.68 |
| | | 00210 | Library Fund | | 30,981.79 |
| | | 00340 | Comm Dev Special Rev Fund | | 32,797.47 |
| | | 01250 | Dial-a-Ride/Transportation | | 2,852.17 |
| | _ | | | | |
| Pay Period | Total: | | | | |
| Sum | | | | 1 | ,134,207.46 |

AGENDA ITEM E-02



| AGENDA TITLE: | b) Sept c) Octo d) Octo | September 27, 2005 (Shirtsleeve Session) September 27, 2005 (Special Meeting) October 4, 2005 (Shirtsleeve Session) October 18, 2005 (Shirtsleeve Session) October 25, 2005 (Special Shirtsleeve Session) | | | | |
|-----------------|---|---|--|--|--|--|
| MEETING DATE: | November 2 | , 2005 | | | | |
| PREPARED BY: | City Clerk | | | | | |
| RECOMMENDED A | CTION: That a) b) c) d) e) | the City Council approve the following minutes as prepared: September 27, 2005 (Shirtsleeve Session) September 27, 2005 (Special Meeting) October 4, 2005 (Shirtsleeve Session) October 18, 2005 (Shirtsleeve Session) October 25, 2005 (Special Shirtsleeve Session) | | | | |
| BACKGROUND INF | ORMATION: | Attached are copies of the subject minutes, marked Exhibits A through E. | | | | |
| FISCAL IMPACT: | None | ∋ . | | | | |
| FUNDING AVAILAB | LE: None | e required. | | | | |
| | | Susan J. Blackston City Clerk | | | | |
| SJB/JMP | | | | | | |
| Attachments | | | | | | |
| | | | | | | |
| | APPRO | VED: | | | | |
| | | Blair King, City Manager | | | | |

council/councom/Minutes.doc

CITY OF LODI INFORMAL INFORMATIONAL MEETING "SHIRTSLEEVE" SESSION CARNEGIE FORUM, 305 WEST PINE STREET TUESDAY, SEPTEMBER 27, 2005

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, September 27, 2005, commencing at 7:02 a.m.

A. ROLL CALL

Present: Council Members – Hansen, Hitchcock, Johnson, and Mayor Beckman

Absent: Council Members – Mounce

Also Present: Interim Deputy City Manager Kersnar, City Attorney Schwabauer, and City Clerk

Blackston

B. <u>TOPIC(S)</u>

B-1 "Community Center and Parks and Recreation facility fees"

With the aid of an overhead presentation, Parks and Recreation Director Goehring reported that user groups for the Department include: A) City sponsored, B) Non-profit 501(c)(3) groups in the city limits, C) Individuals and businesses in the city limits, and D) Individuals and businesses outside the city limits. There is no charge for Group A, the lowest fee is charged to Group B, a retail rate is charged for Group C, and a cost recovery rate is charged to Group D.

Community Center Director Silvestre stated that the Center has defined its user groups as:

A) Private individuals and for-profit businesses, B) Non-profit 501(c)(3) status, C) City associated boards and commissions, and D) City entities.

Mr. Goehring reported that the City has 12 picnic sites available to be rented, 5 of which are at Lodi Lake. In addition, it has one soccer, three baseball, and six softball fields available for private practices, games, and tournament play. A camping area, with spaces for up to 24 recreational vehicles, is available at Lodi Lake. Blakely Park pool, as well as the wading pool and beach at Lodi Lake, are available for private parties from May to September during non-public use hours. The Department has two community rooms that can accommodate up to 30 people.

Ms. Silvestre noted that rooms available to the public at Hutchins Street Square include Kirst Hall, Crete Hall, Cottage Room, Pisano Room, the classroom, Thomas Theater, the Performing Arts Theater, and Wishek Amphitheater. In addition, Hutchins Street Square has a park area with an outdoor stage. Ms. Silvestre reported that maintenance issues are a challenge for the Community Center. Last year, the rentals and Performing Arts Center revenue goal was \$221,325. Actual revenues received were \$259,000 with expenses of \$381,927 for a cost recovery of 68%. The Center's revenue goal for fiscal year 2005-06 is \$299,500 with a cost recovery goal of 80%.

Mr. Goehring stated that deferred maintenance and work related to keeping activity fields at the proper mowing height has proven to be difficult, due to a reduced workforce and budget cuts. The revenue goal for facility rentals in fiscal year 2004-05 was \$52,000. Actual revenues received were \$69,464 with expenses of \$39,320 for a cost recovery of 177%. The revenue goal for fiscal year 2005-06 is \$84,000. Mr. Goehring explained that "actual" expenses include only the costs incurred to prepare the rental area for a specific use. It does not include "indirect" costs such as mowing, edging, general maintenance, and administration. Mr. Goehring mentioned that the cost to run the Lodi City Swim Club program is \$650 per swimmer.

Interim City Manager Kersnar confirmed that not all the costs for rentals are fully accounted for. Facility rentals are off-setting some of the costs of recreation programs.

Mayor Beckman asked that, when the matter is brought back to Council, all costs be incorporated so it does not appear as a 177% cost recovery.

Council Member Hansen suggested that Mr. Beckman's request be presented for informational purposes; however, he noted that indirect costs are paid by general taxes. It is important that Council understand what the direct results to citizens are in terms of paying fees or renting a facility.

In response to Mayor Pro Tempore Hitchcock, Mr. Kersnar explained that anyone can use public use areas on a first come, first served basis. When paying the "whole park" fee it allows customers to reserve an area and ask public users to leave during the time it is rented.

Proposed fee adjustments for Parks and Recreation and the Community Center were distributed to Council (filed).

Mr. Goehring summarized that, on average, Group B would have a 20.18% increase, Group C would have a 13.4% increase, and Group D would have an 18.5% increase. The All Veterans Plaza would have a rental fee of \$25 an hour for private events.

Ms. Silvestre stated that she was not proposing to increase fees for the Community Center. She explained that when benchmarking local and regional facilities similar to Hutchins Street Square it was found that current fees were already at the top tier. Consequently, the greatest opportunity for increasing revenue would be to get more clients. She noted that there is very little activity from Sunday through Tuesday and proposed decreasing fees during that time as an incentive to rent facilities. A whole park fee of \$1,200 Wednesday through Saturday is proposed for the Omega-Nu stage in the west park area. For Group D, she proposed that City functions be relocated if, 30 days or more in advance of the event, a paying client is received.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

D. ADJOURNMENT

No action was taken by the City Council. The meeting was adjourned at 8:01 a.m.

ATTEST:

Susan J. Blackston City Clerk

LODI CITY COUNCIL SPECIAL CITY COUNCIL MEETING CARNEGIE FORUM, 305 WEST PINE STREET TUESDAY, SEPTEMBER 27, 2005

A. CALL TO ORDER / ROLL CALL

The Special City Council meeting of September 27, 2005, was called to order by Mayor Beckman at 8:01 a.m.

Present: Council Members - Hansen, Hitchcock, Johnson, and Mayor Beckman

Absent: Council Members - Mounce

Also Present: Interim Deputy City Manager Kersnar, City Attorney Schwabauer, and City Clerk

Blackston

B. REGULAR CALENDAR

B-1 "Approve expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation"

City Attorney Schwabauer noted that the staff report for this item contained errors. The items listed for rebilling should not have been included for payment because he had previously disapproved them.

MOTION / VOTE:

The City Council, on motion of Council Member Hansen, Beckman second, approved the expenses incurred by outside counsel/consultants relative to the Environmental Abatement Program litigation in the amount of \$336,019.55, as detailed below. The motion carried by the following vote:

Ayes: Council Members – Hansen, Hitchcock, Johnson, and Mayor Beckman

Noes: Council Members – None Absent: Council Members – Mounce

Folger, Levin & Kahn

| | | | | Total | Distr | bution |
|---------------|----------------|----------|---|--------------|----------------|--------------|
| Matter No. | Invoice No. | Date | Description | Amount | 171399.7323 | 183453.7323 |
| 2003 | 89100 | 06/30/05 | Farr Associates v City of Lodi | \$ 1,171.07 | 7 \$ 585.53 | \$ 585.54 |
| 8002 | 89093 | 06/30/05 | People v M&P Investments | \$ 57,923.08 | 3 \$ 28,961.54 | \$ 28,961.54 |
| | | | | \$ (1,000.00 | 0) \$ | (500.00) |
| | \$ (50 | 0.00) | | | | |
| 8003 | 89164 | 06/30/05 | Hartford Insurance Coverage Litigation | \$ 4,719.15 | 5 \$ 2,359.57 | \$ 2,359.58 |
| 8006 | 89213 | 06/30/05 | Fireman's Fund/Unigard Appeal | \$ 36,931.17 | \$ 18,465.58 | \$ 18,465.59 |
| 8008 | 89096 | 06/30/05 | Envision Law Group | \$ 83,258.75 | \$ 41,629.37 | \$ 41,629.38 |
| | | | | \$183,003.22 | 2 \$ 91,501.61 | \$ 91,501.61 |
| | | | | Total | Distr | bution |
| Matter No. | Invoice No. | Date | Description | Amount | 171399.7323 | 183453.7323 |
| 8002 | 89818 | 07/31/05 | People v M&P Investments | \$ 63,502.81 | \$ 31,751.40 | \$ 31,751.41 |
| | | | · | \$ (1,000.00 | 0) \$ | (500.00) |
| | \$ (50 | 0.00) | | | , | , |
| 8003 | 89789 | 07/31/05 | Hartford Insurance Coverage Litigation | \$ 3,542.80 |) \$ 1,771.40 | \$ 1,771.40 |
| 8006 | 89787 | 07/31/05 | Fireman's Fund/Unigard Appeal | \$ 2,657.78 | 3 \$ 1,328.89 | \$ 1,328.89 |
| 8008 | 89788 | 07/31/05 | Envision Law Group | \$ 84,312.94 | \$ 42,156.47 | \$ 42,156.47 |
| | | | | | - | <u>-</u> |
| | | | | \$153,016.33 | 3 \$ 76,508.16 | \$ 76,508.17 |

C. ADJOURNMENT

There being no further business to come before the City Council, the meeting was adjourned at 8:05 a.m.

ATTEST:

Susan J. Blackston, City Clerk

CITY OF LODI INFORMAL INFORMATIONAL MEETING "SHIRTSLEEVE" SESSION CARNEGIE FORUM, 305 WEST PINE STREET TUESDAY, OCTOBER 4, 2005

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, October 4, 2005, commencing at 7:00 a.m.

A. ROLL CALL

Present: Council Members – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

Absent: Council Members – None

Also Present: City Manager King, Deputy City Attorney Magdich, and City Clerk Blackston

B. <u>TOPIC(S)</u>

B-1 "Review and comment on draft Americans with Disabilities Act Transition Plan"

Jerry Herzick, Building Official, distributed and reviewed a draft copy of the Americans with Disabilities Act Transition Plan (filed). He reported that Title 2 of the Americans with Disabilities Act (ADA) required state and local governments to make their programs and services accessible to persons with disabilities. ADA is a federal law that was adopted in 1990. The goals of Title 2 include mainstreaming and equal opportunity for participation in an integrated setting. ADA required, as a minimum, that the Transition Plan include a list of physical barriers and a detailed method of removing them. It was required that the Plan be completed by July 26, 1992, and that any structural modifications be completed by July 26, 1995. In 1992, the City of Lodi established an ADA Committee. The committee completed a self-evaluation of structural barriers. A Transition Plan was never approved by Council. Appendix one of the draft Plan lists accessibility improvements that have been completed since 1992, which included 45 projects and 400 curb ramps at a cost of \$7 million. In 2004, the ADA Committee was reassembled. Another evaluation was done and it was decided that the priority would be correcting or improving problems associated with assembly type occupancies and areas open to the general public. Mr. Herzig reviewed a list of barriers that were scheduled to be completed in 2005, as well as eight projects expected to require more than one year to complete (as listed on pages 3 and 4 of the Transition Plan).

In answer to Council Member Johnson, Mr. Herzig estimated the total cost of the projects to be \$200,000, excluding the Grape Bowl, citywide curb ramps, and park restrooms.

Public Works Director Prima added that block grant funds in the amount of \$150,000 annually are spent on curb ramps, which cost approximately \$10,000 each.

Council Member Hansen felt that part of the Transition Plan should be areas in which utility poles obstruct pathways.

Parks and Recreation Director Goehring reported that \$795,000 is available from Proposition 12 and 40 grants. He mentioned that two grants applied for ten months ago totaling \$2 million were denied.

Council Member Mounce asked whether the sidewalks are wide enough for businesses that have outdoor eating areas and if the City's transit system should operate during hours that would accommodate transportation to public meetings.

In reference to the Grape Bowl, Mr. Herzig reported that ELS Architecture and Urban Design consultants recommended the following options in 2002 to improve accessibility: 1) create an entry plaza on the southwest corner (current cost estimated at \$3.8 million) or 2) tunnel into the north and south berms to create new entries (current cost estimated at \$4.3 million). Mr. Herzig reviewed other major Grape Bowl deficiencies as outlined on page 5 of the Transition Plan. He expressed concern regarding safety and liability exposure to the City. He recommended that improvements be based on the desired use of the facility. The

Plan identifies Phase I (to be completed by June 2006) as seeking public input and considering the formation of an Ad Hoc Grape Bowl Committee. Phase II (to be completed by December 2007) would be to hire an architect to prepare plans that reflect the needs and desires of the City and community, and Phase III would be completion of the final construction drawings, awarding the contract, and beginning construction in 2008 or 2009. Mr. Herzig reported that staff had considered options such as making the east entrance handicap assessable and placing modular concession and restroom facilities on ground level; however, it was deemed too expensive, due to the steep sloping parking lot and need to relocate sewer, water, and electric utilities.

Council Member Mounce stated that Lodi Unified School District representatives at a recent 2x2 Committee meeting indicated that they were not interested in the situation with the Grape Bowl and would find another location for their events if necessary.

City Manager King reported that maintenance of the Grape Bowl currently costs \$60,000 annually and he hoped that, if it were rehabilitated, it could be become a revenue neutral facility.

Mayor Pro Tempore Hitchcock asked whether, in light of the deficiencies, the Grape Bowl should be closed to the public until improvements are made.

Mr. King replied that the City's best defense is showing its good faith in trying to comply with ADA requirements. He suggested that, on an interim basis, as a condition for use of the Grape Bowl it be required to have people available to provide assistance at the gate to handicapped individuals.

PUBLIC COMMENTS:

- Ed DeBenedetti, former Parks and Recreation Director, recalled that 35 years ago he suggested that the City give the Grape Bowl stadium to Lodi Unified School District; however, the District refused. At one time, he also recommended that the Grape Bowl be demolished and there was a huge public outcry against it. He doubted that the Grape Bowl would ever be able to operate without subsidy. Past attempts at concerts, etc. were unsuccessful. He recommended that no additional money be spent on the facility until a decision is made on what it is to be used for.
- Dennis Bennett expressed support for an Ad Hoc Committee to explore the viability of restoring the Grape Bowl. He noted that there is a great deal of City property adjacent to the Grape Bowl as well, which could benefit from being in a redevelopment area.
- John Ibarra stated that he inspected the Grape Bowl with City staff to find out how a
 wheel chair could maneuver in the facility. He reported that the ramps are very steep
 and his electric wheelchair was barely able to handle it. He hoped that improvements
 could be made to the Grape Bowl for its continued use.

Council Member Mounce mentioned that she recently attended a function of the Lodi Historical Society and the topic of the Grape Bowl arose. Initially, everyone seemed to favor restoration; however, if it meant giving up personal property rights through redevelopment, they were opposed to it.

Council Member Johnson warned against designating the Grape Bowl as an historical site because it creates too many burdens and restrictions.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

D. <u>ADJOURNMENT</u>

No action was taken by the City Council. The meeting was adjourned at 8:31 a.m.

ATTEST: Susan J. Blackston, City Clerk

CITY OF LODI INFORMAL INFORMATIONAL MEETING "SHIRTSLEEVE" SESSION CARNEGIE FORUM, 305 WEST PINE STREET TUESDAY, OCTOBER 18, 2005

An Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, October 18, 2005, commencing at 7:02 a.m.

A. ROLL CALL

Present: Council Members – Hansen, Hitchcock, Johnson, and Mounce

Absent: Council Members – Mayor Beckman

Also Present: City Manager King, City Attorney Schwabauer, and Deputy City Clerk Perrin

B. TOPIC(S)

B-1 "Update on Electric Utility's financial position, Market Cost Adjustment, and recent power purchases"

Interim Electric Utility Director, Dave Dockham, stated that the Market Cost Adjustment (MCA) process is the second step in a three-step process, which began with the power purchase to procure the City's net short position in order to stabilize the power cost. The second step is to get the revenues and expenses back into balance on a fiscal year basis, which staff is proposing to accomplish through the MCA. The third step will be to implement the long-term financial rate structure and to "true up" the rates that will be adjusted through the MCA so that they more accurately reflect what the financial structure of Electric Utility actually is.

The City purchased enough energy to fill 95% of the need. For the months of November to June, power was procured at a cost of \$11.6 million. Because the month of October had already begun, staff was unable to purchase out on a forward basis and instead did a "balance of the month" purchase of approximately \$0.6 million. Additionally in September, there was a small open position, which amounted to \$100,000; therefore, for the September to June period, the total procurement for the net open position was \$12.3 million. When the request to purchase was made three weeks ago, staff anticipated that the cost would be \$13.1 million.

The Northern California Power Agency (NCPA) has four geothermal turbines in the Lake County area, one of which failed. All NCPA members that participate in this project received a pro-rata reduction due to the one unit failing; therefore, in order to return to the 95% level, staff will need to procure approximately 6% additional need for November and December. The estimated cost for this purchase is \$250,000 a month. In terms of procuring 95% versus 90% of the net open position, there is very little difference in how much volatility occurs in the actual procurement costs; however, staff will work with NCPA to determine the optimum time to close that position.

City Manager King explained that the City sets its target at 95% equals 100%. The reason for this is that the demand variable is unknown and cannot be controlled, and the City should not over procure its power. Once purchased, the City must use α lose the power and cannot sell it. At the 95% level, if customers do not consume more than what the City purchased, it has not over bought, but if it goes above 95% or the demand increases, the differential could be purchased. It is probable that once the MCA is implemented customers will conserve in order to control their costs and the City could see a decrease in the demand.

Mr. Dockham reported that the Electric Utility Department has 30 plus divisions within the budget and outlined the four core functions:

- 1) Administration, which provides management and administrative services to the entire department \$1.1 million;
- 2) Construction and Maintenance, which includes the line crews that perform the overhead and underground maintenance, new construction, technical services that handle the substation construction and maintenance, and the troubleshooting division that handles customer problems or outages on the system \$3.7 million;
- 3) Business Planning and Marketing, which functions include rate forecasting, budgeting, field service metering, and the public benefits program \$1.5 million (NOTE: The public benefits program represents approximately half and is a state mandated program); and
- 4) Engineering and Operations, which functions include designing of enhancements to the system, working with developers to extend facilities to new development projects, metering, and utilities operations that provide dispatch services to both the Electric and Public Works Departments \$2.1 million (NOTE: Public Works helps fund the dispatch services at \$500,000 per year).

Sixty-five percent of the total Electric Utility budget is related to bulk power costs, and 8% is in debt, which equates to 73% of the department expenses that are non-discretionary. Over time, there will be an opportunity to reduce bulk power costs; however, presently there is a very high market and forward prices that are not moving. In terms of future cost reductions, it has to come from Operations and Maintenance, which has already seen a 20% reduction; any further cuts will affect City services.

On the revenue side, virtually all of the income comes from power sales, with a small amount from investments and bonds. Previously, there was a much more sizeable interest income, but as those bonds have been used in operating the Utility, the interest income has diminished. Additional revenue includes the payments from Public Works for the dispatching services, income from developers, and accident repayment. The total revenues are \$56.7 million and total expenses are \$55.9 million; since fiscal year 2003, Electric Utility has been operating at a loss every year and it has been increasing over time. Fiscal year 2005-06 began with an \$8.3 million deficit, but with the addition of the power purchase and the 20% reductions in the Operating and Maintenance expenses, staff was able to get the increase limited to \$900,000 instead of \$3 million. There is still a savings account that is available to offset the fact that the Utility is operating in a deficit condition. As part of the budget, it was expected that the savings account would be completely eliminated and the City would have a \$2.2 million deficit this year; however, at the end of last year, the fund balance was slightly higher than originally anticipated, and the deficit was reduced to \$1 million. f the MCA is not implemented, the Utility will continue to operate in a deficit condition. If the MCA is applied, the City will have \$3.4 million in the savings account at the end of the year.

The causes of the revenue in-balance are primarily driven by the rapidly increasing cost of power supply, no rate adjustments since 2002, and a series of heavily-discounted rates for the largest commercial and industrial customers. In 2003, the power supply cost was \$30 million a year. In 2004, the power supply cost increased by 5% over the prior year, 2.5% in 2005 over the previous year, and as budgeted in 2006, it was estimated at 20% over last year; however, as 2006 materialized, it actually increased by 29%. Overall, power costs increased nearly 39% since the last MCA in November 2002.

Council Member Johnson questioned the possibility of building in a cost of living adjustment to the electric utility rates, as was done with the recent water rate increase.

Mr. Dockham stated that, had Lodi raised rates systematically over the last four years, the increase in the first year would have been 1%, the next year 3%, then 7%, and for this year 11%. Over time, the impact of the increase the City is facing now could have been much less had it followed this systematic increasing of rates over the last four years.

Mr. King compared the difference of a cost of living adjustment for water versus electric rates. The basic costs for water remain constant (i.e. infrastructure and operational costs are the biggest drivers, which tend to change more slowly). For electricity, there is a commodity cost that has rapidly increased, and a Consumer Price Index cost of living adjustment would not have been sufficient.

Council Member Hansen stated that the Council needs to understand what is occurring and make a policy decision on whether or not from this point forward it will factor in market cost increases in order to avoid a similar situation from occurring again.

Mayor Pro Tempore Hitchcock pointed out that the MCA is the adjusting factor; however, it has not been implemented. At the American Public Power Association conference, it was clear that a MCA was the standard used for making adjustments to the market cost of power.

City Manager King was unaware of the reason why the MCA was not utilized from 2002 to present and he felt that staff should further explore how to implement the MCA in a more streamlined fashion, yet still include the Council in its oversight responsibility.

Mayor Pro Tempore Hitchcock questioned if it would have made a difference had the City not waited so long to purchase power, to which Mr. Dockham replied that it would have been \$3.4 million less expensive (i.e. a 20% increase over the previous year versus 29%).

Mr. Dockham stated that quarterly updates would be provided to the Council on the water and electric utility rates, which would be an opportunity for the operating departments to inform Council how the MCA is working and whether a rate adjustment is necessary.

The City offers a discounted rate off of the published rate to a number of contract customers as an economic stimulus. These customers were on a contract for several years before 2003, and when those contracts terminated, the customers were to either move to the published rate or be phased in over a period of time. The decision was made to phase them in over a four-year period, and there should have been a steady progression up to the published rate; however, the increase has continued to be minimal due to the fact that the City is operating at a deficit. Electric Utility staff will be meeting with the contract customers to explain the situation, as these customers will see the largest increases associated with the MCA recommendation.

In response to Council Member Hansen, Mr. Dockham stated that the contracts expired in 2001 and were renegotiated in 2003-04 with this four-year transition element, which would end in October 2006, bringing them to the full published rate. Approximately half of the revenue from the proposed MCA comes from this group.

City Attorney Schwabauer explained that these contracts do not set the rate; they set a discount percentage off of the published rate and do not inhibit the Council's ability to change the published rate.

In response to Mayor Pro Tempore Hitchcock, Mr. Dockham stated that these contracts represent approximately \$5 million in lost revenue to the City. NCPA prepared a rate structure comparison of Lodi and other cities, which demonstrated that Lodi is far below every other city for industrial customers.

Council Member Hansen expressed concern about how the MCA would affect these commercial and industrial customers as it would have a huge effect on their budgets mid year.

Council Member Johnson requested a copy of the NCPA rate comparisons.

Mr. Dockham explained that the City must raise the electric rates, and there is an approved mechanism in place through the MCA, which was adopted by Council in 2001. A delay of this MCA only increases the need for a larger increase later. Each month, the Utility is \$800,000 further into debt. If the City waits until December to implement a rate increase, it increases by 1.2% over the 19.5% average that staff is requesting now and will continue to multiply geometrically.

To determine the MCA, staff began with an abbreviated cost of service analysis by considering each class of customer in the City and assigning costs incurred to each. Staff used information from 2005, scaled it up for 2006, and then compared the power supply expenses to the revenues that were generated from each of the rate classes. The MCA was arrived at by dividing the total amount needed by the total kilowatt (kw) of consumption in each class. The rates were then tiered in order to keep them equal to or less than Pacific Gas & Electric's (PG&E) rates.

There are 19,000 customers in the residential class; it costs 10.5 cents per kw hour to procure energy for this group and the City collects 5.8 cents per kw hour. The difference between the two is a MCA of 4.5 cents. To collect this beginning in November, the MCA would need to be 7.3 cents per kw hour; however, in order to stay below PG&E, the maximum increase would be 4.3 cents per kw hour. The average consumption for the residential class is 700 kw per month; at this consumption level, Lodi's rates are currently above PG&E's. PG&E's rates begin increasing rapidly in the higher levels of consumption. Under the proposal, Lodi's rates would be above PG&E's until its "true up" (of approximately 11%) takes effect in January 2006, at which time Lodi's and PG&E's rates would be identical. A residential customer that uses around 700 kw hours per month would see either a decrease in rates or an increase of approximately 2%. About 65% of Lodi's residential customers fall in this range.

In the all electric class, 95% of the 600 customers use less than 1100 kw hours per month. Under the proposal, these customers would see a decrease in their electric rate.

In the low-income residential class, 80% of the 1,500 customers use below 800 kw hours per month. Included in this class are medical discount eligible customers and the low-income discounts. Under the proposal, there is a small increase. Mr. Dockham added that there is concern with the high consumption level in this class, as it is not conducive with the low-income structure, and staff will investigate this further.

In the residential mobile home class, there are six parks in town, which would see varying levels of increase. To calculate the increase, staff used the highest billing month in August, took the difference between what they are paying now and what they would be paying under the new rate, and divided that by the number of pads that exist in the park. This results in a spread of different increases per pad, because some of the mobile home owners receive medical or low-income discounts. The revenue generated from this group is \$150,000. Staff recommends that this group be equivalent with residential customers and the mobile home rate be eliminated.

The commercial/industrial rates are as follows:

- G-1, small restaurants—little or no increase
- G-2, fast food stores—7.4% increase
- G-3, large grocery stores—22.5% increase
- G-4, large hardware stores—14.5% increase
- G-5, large high schools—15% increase

Step three would be to implement the long-term rate structure and financial plan for the Utility. More analysis needs to be done before staff can "true up" the rates and recommend a permanent financial structure. Fifty percent of the power supply for next year still needs to be procured. Should Lodi choose to become a participant in one of the power plant

opportunities, there is some investment that would be required, which would affect the City's expense structure. If it came to fruition, the costs would be rolled into the overall financing of the plant; however, if it did not go forward, it is an expense that would be absorbed into the operating structure. Further analysis is needed on the City's debt structure. NCPA is working on a policy that would establish the maximum amount of variable rate debt that an agency can have and the criteria that it would use to determine whether it enters into a swap agreement.

Mr. Dockham reported that there are currently 14 vacant positions in Electric Utility and some key positions should be filled. Staff will assess whether the various capital improvement projects are critically needed or desirable and whether or not there is sufficient funding remaining from the financing to cover the essential projects. Another element is the Electric Utility service center and whether or not the proposed location would be advantageous. Staff will return with a proposal on what the financial structure of the Utility should look like. The MCA would indicate to financial rating agencies that the City is committed to getting its finances back in balance.

In response to Council Member Hansen, Mr. King reported that staff is assembling a list of candidates for the Electric Utility Director position using a targeted, selected recruitment process, scheduled to close on November 18. No decision has been made yet on the selection process, but the goal is to have a new director by the end of the year. Council Member Hansen requested that both he and Mayor Pro Tempore Hitchcock be included in the selection process based upon their experience with NCPA.

At the request of Council Member Johnson, Mr. Krueger reported that at the end of the last fiscal year, there was \$7.5 million in the bank. If the City chooses not to implement a rate increase, there would be no reserves remaining.

Mr. King added that the proposed MCA would provide for greater revenues than expenses in the current fiscal year, but it would not make up for the deficit experienced in the past fiscal years.

Mayor Pro Tempore Hitchcock requested that additional information be provided to Council before the October 19 regular meeting, including the number of customers and the actual costs and percentage increases for residential, commercial, and industrial, similar to NCPA's rate comparison with other cities.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

D. <u>ADJOURNMENT</u>

No action was taken by the City Council. The meeting was adjourned at 8:29 a.m.

ATTEST:

Jennifer M. Perrin Deputy City Clerk

CITY OF LODI SPECIAL INFORMAL INFORMATIONAL MEETING "SHIRTSLEEVE" SESSION LODI POLICE DEPARTMENT, 215 W. ELM STREET TUESDAY, OCTOBER 25, 2005

A Special Informal Informational Meeting ("Shirtsleeve" Session) of the Lodi City Council was held Tuesday, October 25, 2005, commencing at 7:03 a.m.

A. ROLL CALL

Present: Council Members – Hansen, Hitchcock, Johnson, Mounce, and Mayor Beckman

Absent: Council Members – None

Also Present: City Manager King, City Attorney Schwabauer, and City Clerk Blackston

B. <u>TOPIC(S)</u>

B-1 "Review of Emergency Management Plan at the Emergency Operations Center, 215 W. Elm Street"

Fire Chief Pretz described various areas of the Emergency Operations Center (EOC), which included sections for operations, planning, logistics, and finance. The EOC serves as the center of the City's emergency operations. All of the functions of the Emergency Plan operate under the Incident Command System. The City of Lodi is part of the county and statewide mutual aid system. There is a joint Police and Fire mobile command post for use in the field that has the capability of communicating with the EOC.

With the aid of an overhead presentation (filed), Kevin Donnelly, Fire Division Chief, reported that the National Incident Management System (NIMS) is a comprehensive national approach to incident management, applicable to federal, state, and local governments. The Homeland Security Presidential Directive, issued by the President on February 28, 2003, directed the Secretary of Homeland Security to develop and administer the NIMS. The Governor of California issued an executive order that the Standardized Emergency Management System (SEMS) Advisory Board develop a program to integrate the NIMS into the State's emergency management system. As of 2007, federal funding grants will not be available to jurisdictions not in compliance with NIMS.

Division Chief Donnelly reviewed the EOC organization chart and work flow models. The City Manager acts as the Director of Emergency Services. The Executive Officer would be either the Fire Chief, Police Chief, or Public Works Director depending upon the type of emergency. The Community Development Director serves as the Planning Section Chief, the Electric Utility Director serves as the Logistics Section Chief, and the Finance Director serves as the Finance Section Chief. Division Chief Donnelly explained that there are three levels of EOC activation: 1) Normal operation would be to review the Emergency Plan and update resource lists, 2) Partial activation occurs for a small emergency where a limited number of responders can handle the situation, and 3) Full activation would take place when a greater response effort is needed and all or most of the positions identified in the Emergency Plan are filled. If Lodi were to activate its EOC, it would cause the County to activate its EOC and communicate the situation to the State. Optional EOC locations are the library community room, wastewater treatment plant, and Hutchins Street Square. A full-scale Office of Emergency Services exercise is planned for 2006 in Sacramento and both the County of San Joaquin and the City of Lodi will be participating. In 2007, Lodi will conduct an EOC "table top" and full-scale exercise.

In response to Council Member Johnson, Division Chief Donnelly reported that communication sources include phone, internet, intranet, and radio frequency to the field. Police and Fire share the same band frequency and the Office of Emergency Services has satellite communication. Mark White, Information Systems Coordinator, added that there is a special device that cross patches Lodi's radio communications with others.

City Manager King stated that he (serving as the Director of Emergency Services) can declare a local emergency, after which the City Council would take action to confirm it. He noted that all City employees are considered emergency service workers.

In reply to Mayor Pro Tempore Hitchcock, Fire Chief Pretz reported that it has been estimated that Lodi would be under three to six feet of water if both Camanche and Pardee Dams broke. Police Chief Adams recalled that the Army Corps of Engineers had explained to him previously that flooding in Lodi would be gradual because Camanche is an earthen dam.

In response to Council Member Hansen, Chief Pretz stated that evacuation routes have been considered; however, it would depend upon where the emergency is situated before the public could be instructed on the best exit.

Note: At 8:17 a.m., Council toured the mobile command post, EOC, and Police conference room.

C. COMMENTS BY THE PUBLIC ON NON-AGENDA ITEMS

None.

D. <u>ADJOURNMENT</u>

No action was taken by the City Council. The meeting was adjourned at 8:30 a.m.

ATTEST:

Susan J. Blackston City Clerk



AGENDA TITLE: Adopt Resolution Awarding Two-Year Contract for Elevator Services for City

Facilities to Elevator Technologies, Inc., of El Dorado Hills (\$19,980) and

Authorize Extension of Contract up to Two Years

MEETING DATE: November 2, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution awarding the contract for the above project

to Elevator Technologies, Inc., of El Dorado Hills, in the amount of \$19,975 and

authorize extension of the contract up to two years.

BACKGROUND INFORMATION: This service contract is to provide for ongoing elevator services to elevators at

City Hall, Carnegie Forum, Police Facility, Lodi Station Parking Structure, Public Safety Building, and Hutchins Street Square for a period of two years. Staff also requests that Council authorize the City Manager to extend the contract up to two years, if an extension is in the best interest of the City.

Plans and specifications for this project were approved on October 5, 2005. Staff estimated the cost to be \$15,000 annually. The City received the following five bids for this project on October 19, 2005:

| Bidder | Location | Base Bid for Two Years (Regular Services & Call-Outs) |
|-----------------------------|-----------------|---|
| Estimate | | \$30,000 |
| Elevator Technology, Inc. | El Dorado Hills | \$19,975 |
| KONE, Inc. | West Sacramento | \$21,640 |
| Elevator Services Company | North Highlands | \$21,903 |
| ThyssenKrupp Elevator Corp. | West Sacramento | \$24,655 |
| Otis Elevator, Inc. | North Highlands | \$40,415 |

ThyssenKrupp holds the current elevator services contracts for two elevators at HSS, at \$282 per elevator per month. The specifications included provisions for adding the HSS elevators either now or when the contracts expire, in September 2006 and August 2008, and a bid evaluation mechanism to consider the cost of those HSS elevators regardless of bidder. The specifications included an optional item for bidders to offer items for consideration/cost savings (i.e., bidding the cost of mandated 5-year load tests, offering new pricing on existing, unexpired service contracts, reduced parts mark-ups, etc.). These additional services were used to calculate the bidder who provided the most advantageous contract for the City, as shown in the attached bid summary.

FISCAL IMPACT: City-wide, there is a slight cost savings, compared to what is budgeted. Maintenance and

call-out service will be consolidated from four current elevator services contractors

City-wide to one, which should reduce administrative costs.

FUNDING AVAILABLE: Budgeted in Facilities Services Operating and Hutchins Street Square Maintenance accounts.

James R. Krueger, Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Dennis J. Callahan, Fleet and Facilities Manager

Attachment

City Attorney Purchasing Officer
Community Center Director HSS Senior Facilities Maintenance Worker

Facilities Supervisor

APPROVED: Blair King, City Manager

J:\PROJECTS\MISC\Elevator Services\ElevatorServicesOct05\CAward.doc

Bid Summary Elevator Maintenance For City Facilities

| | | Elevator Technology | KONE | ThyssenKrupp | Elevator Services Co. | Otis Elevator Co. |
|-----------------------|----------|---------------------|-------------|--------------|-----------------------|-------------------|
| Scheduled Service | | \$19,340.00 | \$20,760.00 | \$24,655.00 | \$21,470.00 | \$35,825.00 |
| Items 1-6 | | | | | | |
| Billable Call-outs | | \$635.00 | \$880.00 | \$0.00 | \$433.00 | \$4,590.00 |
| Items 7-9 | | | | | | |
| | subtotal | \$19,975.00 | \$21,640.00 | \$24,655.00 | \$21,903.00 | \$40,415.00 |
| Additional Contractor | | | | | | |
| Provided Services * | | | | | | |
| Item 10: | | | | | | |
| Load Tests | | \$875.00 | \$875.00 | \$3,500.00 | \$3,500.00 | \$3,500.00 |
| H.S.S. | | | | | | |
| Senior Center | | \$2,538.00 | \$2,538.00 | \$1,125.00 | \$2,538.00 | \$2,538.00 |
| Fine Arts | | \$6,768.00 | \$6,768.00 | \$3,000.00 | \$6,768.00 | \$6,768.00 |
| Gra | nd Total | \$30,156.00 | \$31,821.00 | \$32,280.00 | \$34,709.00 | \$53,221.00 |

Additional Contractor Services

| Elevator Technology | Load-tests no additional charge | | |
|-----------------------|---|--|--|
| | 25% parts mark-up instead of 30% requirement in specification. | | |
| ThyssenKrupp | Price reduction on existing H.S.S. elevator contracts during agreement period | | |
| Elevator Services Co. | None offered | | |
| KONE | Load-tests no additional charge | | |
| | 25% parts mark-up instead of 30% requirement in specification. | | |
| Otis Elevator Co. | None offered | | |

Notes:

Subtotal represents requested bid items.

4 load tests due during contract term. Lowest market price paid by City = \$875.00 per test.

Load tests line item represents test cost not offered in item 10 or precluded by existing contracts.

H.S.S. line item represents maintenance cost to City for elevators currently under contract to expiration date.

RESOLUTION NO. 2005-

A RESOLUTION OF THE LODI CITY COUNCIL AWARDING THE CONTRACT FOR ELEVATOR SERVICES FOR CITY FACILITIES

WHEREAS, in answer to notice duly published in accordance with law and the order of this City Council, sealed bids were received and publicly opened on October 19, 2005, at 11:00 a.m., for Elevator Services for City Facilities, as described in the specifications therefore approved by the City Council on October 5, 2005; and

WHEREAS, said bids have been compared, checked, and tabulated and a report thereof filed with the City Manager as follows:

| Bidder | Location | Base Bid for Two Years (Regular Services & Call-Outs) |
|-----------------------------|-----------------|--|
| Engineer's Estimate | | \$ 30,000 |
| Elevator Technology, Inc. | El Dorado Hills | \$ 19,975 |
| KONE, Inc. | West Sacramento | \$ 21,640 |
| Elevator Services Company | North Highlands | \$ 21,903 |
| ThyssenKrupp Elevator Corp. | West Sacramento | \$ 24,655 |
| Otis Elevator, Inc. | North Highlands | \$ 40,415 |

WHEREAS, the City Manager recommends award of the two-year contract for Elevator Services for City Facilities be made to the low bidder, Elevator Technologies, Inc., of El Dorado Hills, California, in the amount of \$19,975.00.

NOW, THEREFORE, BE IT RESOLVED by the Lodi City Council that the award of the contract for Elevator Services for City Facilities, be made to the low bidder Elevator Technologies, Inc., of El Dorado Hills, California, in the amount of \$19,975.00.

Dated: November 2, 2005

I hereby certify that Resolution No. 2005-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 2, 2005, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

SUSAN J. BLACKSTON City Clerk

2005-



| AGENDA TITLE: | Accept improvements under contract for Hale Park Playground Improvements, 209 E. Locust Street | | | | |
|--|--|------------------|--|--|--|
| MEETING DATE: | November 2, 2005 | | | | |
| PREPARED BY: | Parks and Recreation Director | | | | |
| RECOMMENDED AC | CTION: | | That the City Council accept the improvements under the "Hale Park Playground Improvements, 209 E. Locust Street" contract. | | |
| BACKGROUND INFORMATION: | | Januar been c | The project was awarded to Hobbs Construction, of Fresno, on January 19, 2005, in the amount of \$147,070.00. The contract has been completed in substantial conformance with the plans and specifications approved by the City Council. | | |
| The final contract price | e was unchar | nged fror | m the original contract price, \$147,070.00. | | |
| Following acceptance the County Recorder | • | ouncil, t | the Parks Superintendent will file a Notice of Completion with | | |
| FUNDING: | Budgeted Fu Contract Ame | | Community Development Block Grant Fund \$147,070.00 | | |
| Prepared by Steve Dutra, Par | | ueger, F | Tony C. Goehring Parks and Recreation Director | | |
| TG/wf cc: Purchasing Officer Community Developme | · | ordinator | | | |

Blair King, City Manager

APPROVED: __



AGENDA TITLE: Adopt Resolution Accepting Improvements at 1020 South Beckman Road

MEETING DATE: November 2, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution accepting the development

improvements for 1020 South Beckman Road.

BACKGROUND INFORMATION: Public improvements at 1020 South Beckman Road have been

completed in substantial conformance with the requirements of the improvement agreement between the City of Lodi and GFLIP III, L.P., a California Limited Partnership, as approved by the City Council on

February 2, 2005, and as shown on Drawings No. 004D023-01 through 004D023-05.

The project consists of public street and underground utility improvements required for the construction of the Toyota auto dealership expansion at 1020 South Beckman Road. The developer is entitled to reimbursement by the City for the installation of oversize master plan water pipes in conformance with LMC 15.64 Development Impact Mitigation Fees and 16.40 Reimbursements for Construction.

The street improvements being accepted at this time are:

| <u>STREETS</u> | LENGTH IN MILES |
|-------------------|-----------------|
| Auto Center Drive | 0.23 |

FISCAL IMPACT: There will be a slight increase in long-term maintenance costs of the public

street and underground utility improvements. Funds for the reimbursements

are already appropriated.

FUNDING AVAILABLE: IMF – Water Improvements (182) \$4,385

James R. Krueger, Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer RCP/WKF/pmf

cc: City Attorney

Senior Civil Engineer - Development Services

Senior Traffic Engineer Street Superintendent Senior Engineering Technician

| APPROVED: _ | |
|-------------|--------------------------|
| | Blair King, City Manager |

When Recorded, Please Return to: Lodi City Clerk P.O. Box 3006 Lodi, CA 95241-1910

| RESOL | UTION | NO 2 | 005- |
|--------------|-------|--------|------|
| NEOCL | | INO. Z | UUJ- |

A RESOLUTION OF THE LODI CITY COUNCIL ACCEPTING THE IMPROVEMENTS AT 1020 SOUTH BECKMAN ROAD

| The City Council of the City of Lodi fire | inds |
|---|------|
|---|------|

- 1) That all requirements of the Improvement Agreement between the City of Lodi and GFLIP III, L.P., a California Limited Partnership, for the Public Improvements at 1020 South Beckman Road have been substantially complied with. The improvements are shown on Drawings No. 004D023-01 through 004D023-05 on file in the Public Works Department and as specifically set forth in the plans and specifications approved by the City Council on February 2, 2005; and
 - 2) That the street improvements being accepted at this time are as follows:

| | Streets Auto Center Drive | Length in Miles 0.23 |
|--------|---------------------------|--|
| Dated: | November 2, 2005 | |
| | | No. 2005 was passed and adopted by the City meeting held November 2, 2005 by the following |

AYES: COUNCIL MEMBERS -

vote:

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

SUSAN J. BLACKSTON City Clerk

2005-____



AGENDA TITLE: Adopt Resolution Accepting Improvements at 1349 East Kettleman Lane

MEETING DATE: November 2, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution accepting the development

improvements for 1349 East Kettleman Lane.

BACKGROUND INFORMATION: Public improvements at 1349 East Kettleman Lane have been

completed in substantial conformance with the requirements of the improvement agreement between the City of Lodi and Dennis Plummer, as approved by the City Council on January 19, 2005, and as shown on

Drawings No. 004D0030-01 through 004D030-03.

The public improvements included the installation of a public water main and water, wastewater, and storm drain services to each lot in the subdivision.

No new public streets were dedicated as part of this project.

FISCAL IMPACT: There will be a slight increase in long-term maintenance costs of the public

street and underground utility improvements.

FUNDING AVAILABLE: Not applicable.

Richard C. Prima, Jr.
Public Works Director

Prepared by Wesley K. Fujitani, Senior Civil Engineer RCP/WKF/pmf

cc: City Attorney

Senior Civil Engineer - Development Services

Senior Traffic Engineer Street Superintendent

Senior Engineering Technician

| 4.000.00/.00 | | |
|--------------|------|--|
| APPROVED: | | |

Blair King, City Manager

When Recorded, Please Return to: Lodi City Clerk P.O. Box 3006 Lodi, CA 95241-1910

| RESOLUTION NO. 2005- | |
|----------------------|--|
|----------------------|--|

A RESOLUTION OF THE LODI CITY COUNCIL ACCEPTING THE IMPROVEMENTS AT 1349 EAST KETTLEMAN LANE

The City Council of the City of Lodi finds:

- 1. That all requirements of the Improvement Agreement between the City of Lodi and Dennis Plummer, for Public Improvements at 1349 East Kettleman Lane have been substantially complied with. The improvements are shown on Drawings No. 004D0030-01 through 004D030-03 on file in the Public Works Department and as specifically set forth in the plans and specifications approved by the City Council on January 19, 2005; and
 - 2. That no new public streets were dedicated as part of this project.

| Dated | : November | 2, 2005 |
|-------|------------|--|
| ==== | ======= | ======================================= |
| Counc | | fy that Resolution No. 2005 was passed and adopted by the City of Lodi in a regular meeting held November 2, 2005 by the following |
| | AYES: | COUNCIL MEMBERS - |
| | NOES: | COUNCIL MEMBERS - |
| | ABSENT: | COUNCIL MEMBERS - |
| | ABSTAIN: | COUNCIL MEMBERS – |

SUSAN J. BLACKSTON City Clerk

2005-____



AGENDA TITLE: Accept Improvements Under Contract for Construction of the Lodi Unified

School District Compressed Natural Gas Fueling Station and Authorize

Additional Change Order

MEETING DATE: November 2, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council accept the improvements under the "Construction"

of the Lodi Unified School District Compressed Natural Gas Fueling

Station" contract and authorize an additional change order.

BACKGROUND INFORMATION: The project was awarded to Performance Mechanical, Inc., of

Sacramento, on October 15, 2003, in the amount of \$256,647.00. The contract has been completed in substantial conformance with the plans

and specifications approved by City Council.

This project was a collaborative effort between the Lodi Unified School District (LUSD) and the City to provide a Compressed Natural Gas (CNG) fueling station at the District's transportation yard at 820 South Cluff Avenue. The City and LUSD had previously partnered in obtaining funding for the District to obtain CNG-powered buses, and Congestion Mitigation and Air Quality (CMAQ) and San Joaquin Valley Air Pollution Control District funding was obtained to build a CNG fueling station as well. The City and the District serve as each other's "back-up" location for both fueling and servicing of CNG-powered buses. Because working on CNG-powered vehicles requires that modifications be made to the shop facilities, the necessary changes to the LUSD and City shops were included in the project when additional funding was secured.

At the onset of the project, proposals were received for extra items needed, including separate quotes for methane detection equipment and the installation of that equipment for the City's Fleet Services shop. All items were prioritized, and the purchase of the Methane Detection System equipment was made, while the installation of that equipment was held as the last priority. Now that the project is substantially complete, there is funding left available for this Methane Detection System equipment to be installed, at a cost of \$27,434.00.

The contract completion date was July 19, 2004, and the actual completion date will be December 16, 2005. The delay in this project's completion is due to that fact that some of the Methane Detection System equipment delivered to the contractor did not meet the specifications, was rejected and then resubmitted for approval. The final contract price will be \$390,815.50. The difference between the contract amount and the final contract price is mainly due to five change orders that provided Methane Detection System equipment for LUSD and City shops, added a slow-fill fueling post and equipment, added a block separation wall between CNG equipment and existing gasoline tanks, installed a chain link fence around the CNG compressors, provided longer slow-fill hoses, added another emergency stop button, and added other electrical and mechanical components.

Staff is also notifying Council of Change Order Nos. 1 through 5, at a total of \$106,734.50, which were approved by the City Manager, and additionally requesting authorization of Change Order No. 6, at \$27,434.00, to install the Methane Detection System at the City's MSC Fleet Services shop.

| APPROVED: | |
|---|--------------------------|
| AFFROVED. | |
| | Blair King, City Manager |
| J:\PROJECTS\TRANSIT\CNGSTATION\LUSD CLUFF\CAccept P | erformanceMechanical.doc |

Accept Improvements Under Contract for Construction of the Lodi Unified School District Compressed Natural Gas Fueling Station and Authorize Additional Change Order November 2, 2005
Page 2

Following acceptance by the City Council and completion of the final change order, the City Engineer will file a Notice of Completion with the County Recorder's office.

FISCAL IMPACT: There is no impact to the Transit fund, as funds utilized on this project were

grant-specific and therefore only available for CNG infrastructure

improvements. Failure to authorize the final contract change order could incur

costs to Transit funds, as installation of the Methane Detection System

equipment is required by Fire code.

FUNDING AVAILABLE: Budgeted Fund: Transit Fund

Contract Amount: \$390,815.50 (including final change order)

James R. Krueger, Finance Director

Pichard C Prima Ir

Richard C. Prima, Jr. Public Works Director

Prepared by Dennis J. Callahan, Fleet and Facilities Manager

RCP/DJC/pmf

cc: Joel Harris, Purchasing Officer

Tiffani Fink, Transportation Manager Roger Rich, Fleet Services Supervisor Performance Mechanical, Inc. AGENDA TITLE: Adopt Resolution Authorizing City Manager to Execute a Professional Services

Agreement with T. Mitchell Engineers & Associates for Facility Upgrades for Fleet Services Shop and Compressed Natural Gas Fueling Station Expansion at

the Municipal Service Center (\$15,400)

MEETING DATE: November 2, 2005

PREPARED BY: Public Works Director

RECOMMENDED ACTION: That the City Council adopt a resolution authorizing the City Manager

to execute a professional services agreement with T. Mitchell

Engineers & Associates for Facility Upgrades for the Fleet Services Shop and Compressed Natural Gas (CNG) Fueling Station Expansion

at the Municipal Service Center for \$15,400.

BACKGROUND INFORMATION: The City of Lodi currently operates numerous CNG vehicles and a fueling

station. During the construction of the fueling station, Tom Mitchell (then with Blymyer Engineers) was utilized for engineering and construction administration. The project was highly technical, and the installation

presented several challenges. Due to Mr. Mitchell's familiarity with the project, staff is recommending that Council award a contract with T. Mitchell Engineers & Associates to complete the additional work at the fueling station and the accompanying facility upgrades. The detailed knowledge of the fueling station layout and technical problems will allow T. Mitchell Engineers & Associates to undertake the work with limited difficulty.

T. Mitchell Engineers & Associates will be providing professional engineering and construction surveillance services for both projects. Due to the similar nature of the projects, it is anticipated that the projects will be completed concurrently, and, therefore, staff is recommending one contract for engineering and construction surveillance. The two projects will address necessary upgrades to allow the City to service and maintain their existing compressed natural gas fleet within the existing maintenance shop in accordance with requirements stipulated in the California Fire Code. The expansion project will allow for additional capacity and maintenance of the existing system.

FISCAL IMPACT: The cost of two projects have been included in the budget for the Transit system.

Failure to award the agreement could result in the need to re-bid the service, which could result in higher costs and would require significant staff time to prepare.

FUNDING AVAILABLE: Transit operations are paid for utilizing Transportation Development Act funds,

Federal Transit Administration Section 5307 funds, Measure K transit operations funds, and fare revenue. Funding is allocated in the annual budget process. No

additional funding is required at this time.

James R. Krueger, Finance Director

Richard C. Prima, Jr.
Public Works Director

Prepared by Tiffani M. Fink, Transportation Manager cc: Finance Director

Fleet and Facilities Manager

Transportation Manager Fleet Services Supervisor

| APPROVED: | | |
|-----------|--------------------------|--|
| | Blair King, City Manager | |

RESOLUTION NO. 2005-____

A RESOLUTION OF THE LODI CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE PROFESSIONAL SERVICES AGREEMENT WITH T. MITCHELL ENGINEERS & ASSOCIATES FOR FACILITY UPGRADES FOR FLEET SERVICES SHOP AND COMPRESSED NATURAL GAS FUELING STATION EXPANSION AT THE MUNICIPAL SERVICE CENTER

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby authorize the City Manager to execute a Professional Services Agreement with T. Mitchell Engineers & Associates for Facility Upgrades for Fleet Services Shop and Compressed Natural Gas Fueling Station Expansion at the Municipal Service Center, in an amount not to exceed \$15,400.

Dated: November 2, 2005

I hereby certify that Resolution No. 2005-____ was passed and adopted by the Lodi City Council in a regular meeting held November 2, 2005, by the following vote:

AYES: COUNCIL MEMBERS -

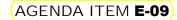
NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

SUSAN J. BLACKSTON City Clerk

2005-





| AGENDA TITLE: | Adopt Resolu Urbanized Ar | | /06 Federal Program of Tra | ansit Projects Lod |
|--|------------------------------|---|--|----------------------|
| MEETING DATE: | November 2, 2005 | | | |
| PREPARED BY: | Public Works | Director | | |
| RECOMMENDED AC | CTION: | | il adopt a resolution adopting Projects Lodi Urbanized Area | |
| BACKGROUND INFORMATION: | | On October 19, 2005, the City of Lodi held a public hearing to allow the public an opportunity to comment on the City's transit projects funded by the Federal Transit Administration (FTA). There were no public comments received. | | |
| Program of Projects f | or their portion | of the funding, \$300, | ea". The City of Galt will ad 000. The Program of Projec jects for the City of Lodi is a | cts was published in |
| FFY 2006 Section 5307 Funds: | | | | |
| Operations for City of | | Lodi for 2005/2006 | \$993,613 | |
| | | Total | \$993 613 | |
| FISCAL IMPACT: | | - | di to claim and receive FTA Γhese funds will pay for on-ς | • |
| FUNDING AVAILAB | LE: None i | required. | | |
| | | Richard C. P Public Works | | |
| Prepared by Tiffani M. Fink, T | ransportation Mana | ger | | |
| RCP/TMF/pmf | | | | |
| cc: Finance Director Transportation Manaç | ger | | | |
| | A DDD O | /ED: | | |

J:\TRANSIT\C0506 POP.doc Blair King, City Manager

RESOLUTION NO. 2005-____

A RESOLUTION OF THE LODI CITY COUNCIL ADOPTING THE 2005-06 FEDERAL PROGRAM OF TRANSIT PROJECTS LODI URBANIZED AREA

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby adopt the 2005-06 Federal Program of Transit Projects Lodi Urbanized Area as follows:

FFY 2006 Section 5307 Funds:

Operations for City of Lodi 2005-06 \$993,613

Dated: November 2, 2005

I hereby certify that Resolution No. 2005-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 2, 2005, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

SUSAN J. BLACKSTON City Clerk

2005-

Adopt Resolution Amending the San Joaquin County Multi-Species Habitat

AGENDA TITLE:

RH/kjc Attachments

Conservation and Open Space Plan Development Fee November 2, 2005 **MEETING DATE:** PREPARED BY: Community Development Department **RECOMMENDED ACTION**: That the City Council adopt a resolution amending the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fee. **BACKGROUND INFORMATION:** On February 21, 2001, the City of Lodi adopted the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). On December 19, 2001 the City established development fees pursuant to this plan. These development fees are used to mitigate the cumulative impacts of new development on undeveloped lands within Lodi and San Joaquin County. As further explained in the attached staff report from the San Joaquin Council of Governments (SJCOG), it is necessary to approve an interim increase in Habitat Conservation Plan (HCP) fees. SJCOG will be updating the SJMSCP financial plan which is estimated to take a total of seven to nine months. SJCOG does not wish to wait until the updated financial plan is in place before addressing the need for a fee increase, therefore this interim fee was developed. In September, 2005 the SJCOG Board unanimously approved the HCP interim fee increase. All local jurisdictions must now approve the interim fee increase by January 1, 2006. FISCAL IMPACT: With the adoption of this fee increase the fee per acre will go from \$1,819.00 for Natural and Agriculture land to \$3,145.00 and will only affect developers. No fiscal impact on the City. **FUNDING AVAILABLE:** None required.

APPROVED: ______Blair King, City Manager

Randy Hatch

Community Development Director

Staff Report

SUBJECT:

SJMSCP Interim Fee Increase

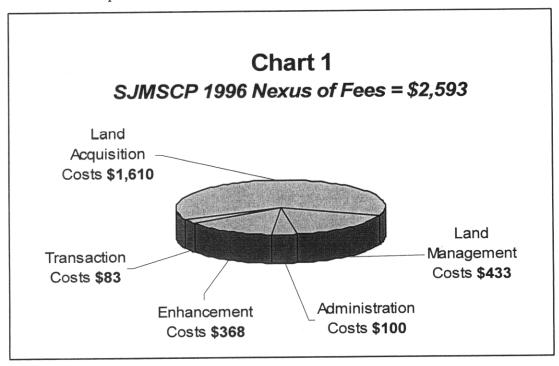
RECOMMENDED ACTION:

Motion to Approve 1) Adoption of an Interim SJMSCP Fee and 2) Pursue Adoption of Fee With Local Jurisdictions.

DISCUSSION:

In a letter dated August 8, 2005, the USFWS and California Department of Fish and Game expressed a concern about "SJMSCP Funds for viable preserve acquisition". The concern arose from the annual meeting for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) and subsequent meetings updating the permitting agencies regarding staff's acquisition for mitigation needs.

During a discussion at the August HTAC meeting, the permitting agencies stressed to each permit holding jurisdiction the responsibilities required under the plan. There were two major points of the discussion brought forth by the permitting agencies. The first was the lack of funds for immediate mitigation needs and long term management of preserves under the plan (Section 7.2.5) due to the adoption of fees in 2001 being \$1,000 less then the 1996 financial nexus written for the successful implementation of the SJMSCP (Chart 1). The second point was a rush of



projects to seek coverage between the time of the announcement of the new nexus study and actual fee adoption. Project proponents would seek participation for coverage at a lower rate than the anticipated increase in fees. The permitting agencies believe that funds will not be adequate to the current and future commitments under the permit.

The permitting agencies stressed concern about creating a mitigation back log and funding shortfall due to the 6-9 months of time associated with this process while projects continue to pay inadequate fees. Action to develop an update to the SJMSCP financial plan is underway, as instructed by a decision in June 2005, by the SJCOG, Inc. Board, which will be included in the major amendment later this fall. The analysis will be used to establish the current financial needs of the plan in every area and streamline the process where needed. The RFQ, selection and analysis should take a few months and the elected firm should complete the analysis in the spring of 2006. With the analysis completed, staff will bring the new SJMSCP Financial Plan to HTAC for recommendation to the SJCOG, Inc. Board for approval and then to each jurisdiction as a resolution for adoption which is estimated to take 3-6 months more. Staff has begun the RFQ process which is estimated to take a total of 7-9 months.

In the 7-9 month process for the new financial nexus to be created and adopted, projects continue to seek coverage under the SJMSCP. The plan is designed to streamline the process for development to occur in the county and allow mitigation of lost habitat to be acquired in one of four procedures. The four possible options for a project to elect participation under the SJMSCP are 1) to pay a fee per acre for habitat to be disturbed; 2) an acre for acre dedication of land of similar habitat with an endowment for management under the plan; 3) design of the project to not effect habitat; and 4) opt out of the plan by working with the permitting agencies to provide an equal mitigation as stated in the plan. Many project proponents elect the first option for the easy process and what has been called a "great deal" when compared to other HCPs in California (see Attachment 1). As this occurs, loss of habitat will continue at a rate that is insufficient to fulfill the obligations of the all the permittees under the plan.

The current 2005 fees for Agricultural Habitat, Natural Habitat and Vernal Pool Habitat (wetted and uplands) simply are not keeping up with the cost of land. The fees collected at \$909 (Multipurpose Habitat), \$1,819 (Agriculture or Natural Habitat), and \$36,381/\$6,074 (Vernal Pool wetted/uplands) are not dedicated only to acquire mitigation lands. The per acre fee for each habitat type are to cover the following costs which are required for success of the SJMSCP:

- pre-construction site visits by biologist to yield Incidental Take Minimization Measures (ITMMs) on each project,
- acquisition of preserve land (through conservation easement or fee title),
- enhancements for preserves,
- management in perpetuity of established preserves,
- administration of the SJMSCP,
- legal defensibility of preserves, and
- direct project management costs of preserves (staff time, closing costs, preserve management plan creation, public notification and NLP process).

The actual amount staff has available is less than what is collected because of the costs described above. The management and enhancement costs for SJMSCP preserves, described in 1996 dollars in the plan under Table 7.2.2-1: Estimated SJMCSP Enhancement/Restoration Costs and 7.2.3-1: SJMSCP Management Cost Factors based on habitat types, are required to be set aside from the per acre fee to ensure long management of preserves. Depending on the habitat type, the cost for enhancement/restoration can range from \$40 - \$8,300 per acre and \$400-\$560 per acre for management in perpetuity of the preserves. Therefore, one acre of Agriculture Habitat collected at \$1,819 per acre actually leaves staff about \$1,319 per acre to secure an acre of preserve with no other costs for the plan removed (subtracting just these two cost factors: enhancement/restoration = \$100 per acre and management costs = \$400 per acre from the current fee of \$1,819 per acre for Agricultural Habitat). If the above scenario was Natural lands that require a 3:1 mitigation ratio, staff would have \$439.68 to acquire one acre of Natural Habitat.

To address this concern by the permitting agencies until the major amendment process including a new financial plan for the SJMSCP can be approved, SJCOG, Inc. staff calculated an interim fee to be adopted based on the 1996 financial nexus and Table 7.2.5-1: SJMSCP Cost Estimates Per Acre cited in the plan by using the California Construction Cost Index (CCCI) as the escalator (Table 1). The increase in the interim fee to be assessed for each habitat type is 73% over the current fee amounts.

Table 1. - Implemented Fees and "Total Costs Fee" from Plan Table 7.2.5-1 Inflated with the CCCI

| | | Implemented Fees | Total Costs from SJMSCP Table 7.2.5-1 |
|----------------------------|-------|------------------|---|
| Starting Fee | | \$1,500.00 | \$2,593.20 |
| 1996-2002 CCCI (12.68%) | | \$1,690.00 | \$2,922.02 |
| 2003 (no CCCI cha | inge) | \$1,690.00 | \$2,922.02 |
| 2004 (2.02%) | CCCI | \$1,724.00 | \$2,981.04 |
| 2005 (5.5%) | CCI | \$1,819.00 | \$3,145.00 |

RECOMMENDATION:

On September 14, 2005, the HTAC recommended this action be taken to the SJCOG, Inc. Board for approval. Staff recommends the following interim fees to be adopted under the SJMSCP by the SJCOG, Inc. Board (Table 2). Staff will provide each local jurisdiction with a draft resolution to be taken back to the jurisdictions and adopted (Attachment 2). Since each jurisdiction has a different process for adoption of resolutions regarding public noticing and comments, staff estimates all jurisdictions will have the interim fee approved and adopted by

January 1, 2006. After that date, SJCOG, Inc. will not accept any fees collected per acre below the interim amount for coverage under the SJMSCP. If fees are collected for less than the interim amount, the permit holding jurisdiction will be responsible for any remaining balance between the current fee and the new interim.

Table 2. - Interim Fee for SJMSCP

| Habitat Type | Current Fee Per Acre | Interim Fee Per Acre |
|--------------------------|----------------------|----------------------|
| Multi-Purpose Open Space | \$909 | \$1,572 |
| Natural | \$1,819 | \$3,145 |
| Agriculture | \$1,819 | \$3,145 |
| Vernal Pool - uplands | \$6,074 | \$9,597 |
| Vernal Pool - wetted | \$36,381 | \$57,482 |

Copies of the Economic Analysis of the SJMSCP performed by Hausrath Economics Group dated April 7, 1997 will be made available through SJCOG staff upon request.

Prepared by: Steve Mayo, Senior Regional Planner m:\staffrpt\2005\September\Board\SJMSCP Interim Fees Increase.doc

Comparison of Habitat Conservation Plan's Fees

Staff has researched a number of Habitat Conservation Plans in order to compare various impact fees with other jurisdictions. The following summaries are staff's findings in Spring 2005:

The East Contra Costa County Habitat Conservation Plan (ECCCHCP), whose draft plan was released June 2005, is a plan that is most similar to the SJMSCP. They have separated fees based on the type of habitat that will be consumed. Their drafted fees are as follows:

| Habitat Type | Fee/Acre | SJMSCP Fee/acre | SJMSCP/ECCCHCP Comparison |
|---------------|----------------------|-------------------------|---------------------------|
| Cultivated | \$11,466/acre | \$1,819/acre | 16% |
| Agricultural | | | |
| Natural Lands | \$22,932/acre | \$1,819/acre | 8% |
| Infill Lands | \$5,766/acre | \$909/acre | 16% |
| Wetlands | \$59,000-169,000acre | \$6,074 & \$36,381/acre | 10-21% |

Cultivated Agricultural, Natural Lands and Infill lands are pay zones that are preset in the plan. Regardless of the habitat that is actually being consumed, if a project falls within a certain payzone, the applicant must pay the required fee. The Wetland category is an additional fee amount. For example if there was a 100 acre parcel in the cultivated agricultural zone with 10 acres of wetland, the applicant would pay \$1,146,600 (100 acres X \$11,466) plus and additional \$590,000 (10 acres X \$59,000) for a total fee of \$1,736,600. SJSMCP fee would charge a similar applicant \$224,450, just 13% of the ECCCHCP fee. The ECCCHCP does not require to mitigate at a certain ratio but the plan calls for twice as much land to be preserved verses developed. ECCCHCP staff believes that with current fees, they should be able to mitigate at roughly 1:1. SJCOG Staff has plans to meet with a representative from Jones & Stokes who has consulted with ECCCHCP to discuss issues such as Temporary Impacts and Fee categories in order to formulate our own amendments to the SJMSCP.

The Natomas Basin Habitat Conservation Plan's (NBHCP) is in operation in the Sacramento Region with many similarities to the San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJMSCP). The NBHCP mitigation fee was recently raised to \$24,897/acre which includes land acquisition, restoration, enhancement, monitoring, administration costs, operation and management endowments. Developers may also choose to donate land in lieu of the full fee, but are required to pay a \$12,397/acre to manage the land in perpetuity. The fee is reviewed at least annually on or before March 1 of each calendar year and is adjusted based on the Consumer Price Index (CPI). The NBHCP calls for a 0.5 to 1 mitigation ratio, meaning for every acre which is taken through development 0.5 acres are required to be preserved. The SJMSCP operates with 7.3% of their fee and requires to mitigate at anywhere from two to six times the amount of NBHCP.

The County of Sacramento and the City of Elk Grove have similar mitigation impacts fees concerning Swainson's Hawk Habitat. Both recently increased fees to meet the growing land costs. Each plan calls for an \$18,325/acre impact fee for the consumption of Swainson's Hawk Habitat. For any project 40 acres or larger, developers are required to preserve, through

conservation easement or fee title, suitable Swainson's Hawk habitat at an 1:1 ratio. The applicant must also pay the jurisdiction an operations and maintenance fee not to exceed \$3.500/acre.

For projects less then 40 acres, applicants may dedicate land with additional operation and managements fees or they may choose to pay the mitigation fee at \$18,325/acre. In addition, each project must pay an administrative fee per impact mitigation fee, easement or fee title, not to exceed \$382.00/transaction. Based solely on the fee amount, the SJMSCP is operating at 10% that of the Sacramento county and/or Elk Grove Mitigation fees.

Placer County HCP is another plan which is scheduled to go public in the near future. After discussion with their staff, it was found that their proposed fee for any type of development or consumed habitat is \$19,200/acre. They are currently in an Economic Analysis Phase to determine if the fees need to be raised in order to accommodate for escalating land and management costs. The fees to cover land acquisition are roughly \$6000/acre leaving the balance of \$13,200/acre for management, enhancement, administration, ect.. If Placer County HCP is implemented at current rates, the SJMSCP will be operating at 10% of their fees.

The San Diego Association of Governments (SANDAG) has composed the Multiple Habitat Conservation Program (MHCP) which is a comprehensive conservation planning process that addresses the needs of multiple plant and animal species in North Western San Diego County. The MHCP encompasses the cities of Carlsbad, Encinitas, Escondido, Oceanside, San Marcos, Solana Beach, and Vista. The Plan itself does no impose any fees, but individual jurisdictions with sub-area plans can implement fees. The city of Carlsbad has a fee structure which allows applicants to pay a fee for consumption of particular habitat such as agricultural lands, non-native grasslands and eucalyptus woodland, but most other "native" or critical habitat is required to mitigate with a donation of in-kind land. The mitigation ratios vary depending on the given importance to the habitat, but range from a \$7,897 fee/acre at a 1:1 mitigation ratio to a \$790 fee/acre for a 0.1:1 mitigation ratio. Carlsbad staff mentioned they are currently in the process of raising their fees to a proposed \$20,000 for the 1:1 mitigation ratio.

The Coachella Valley Multiple Species Habitat Conservation Plan (CVMSHCP) is intended to provide a means to standardize mitigation/compensation measures for the covered species so that, with respect to public and private development actions, mitigation/compensation measures established by the Plan will concurrently satisfy applicable provisions of Federal and State laws pertaining to endangered species protection. The plan is scheduled for public release in the near future. The draft plan calls for a \$1975/acre impact mitigation fee for any type of land consumed within the jurisdiction. This fee covers acquisition and administration only, management and enhancement are covered through multiple fees and endowments. With booming real-estate prices in the region, staff is taking the fees back through economic studies and plan for them to be increased by 50%-60%. The plan does not have an established mitigation ratio, but every five year period staff is required to show acquired land proportional to consumed land. CVMSHCP staff commented that most land throughout their jurisdiction is remote and secluded, therefore land acquisition prices are not as substantial as here in the San Joaquin Valley.

The Western Riverside County Multi-Species Habitat Conservation Plan is a comprehensive, Multi-Jurisdictional Habitat Conservation Plans focusing on conservation of species and their associated habitats in Western Riverside County. Fees are based on per dwelling unit calculations decreasing the fee when density increases. Commercial and Industrial land development pay a per acre fee. The fees are as follows:

Single Family Residential \$1,651/per dwelling Residential (8.1-14 du/acre) \$1057/per dwelling Residential (>14.1 du/acre) \$859/per dwelling \$5,620/ per acre Industrial \$5,620/per acre

The said fees do not take into account the type of habitat being consumed, and mitigation is not required to be the same habitat in a similar area. Individual jurisdictions are responsible for acquiring land with willing land owners and are apportioned a percentage of fees for the acquisition.

| RESOL | LUTION | NO. |
|-------|--------|-----|
|-------|--------|-----|

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING THE SAN JOAQUIN COUNTY MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN (SJMSCP) DEVELOPMENT FEE

WHEREAS, the City Council of the City of Lodi adopted Ordinance No. 1707 and Resolution No. 2001-298 establishing the authority for collection of a Development Fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) for all new developments pursuant to the SJMSCP within the City of Lodi; and

WHEREAS, a "Fee Study" dated July 16, 2001 was prepared which analyzed and identified the costs, funding, and cost-benefit of the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan; and

WHEREAS, the purpose of the SJMSCP Development Fee is to finance the goals and objectives of the SJMSCP that include, but are not limited to preserve land acquisition, preserve enhancement, land management, and administration that compensate for such lands lost as a result of future development in the City of Lodi and in San Joaquin County; and

WHEREAS, after considering the Fee Study and the testimony received at the public hearing, the Lodi City Council approves said report; and further finds that the future development in the City of Lodi will need to compensate cumulative impacts to threatened, endangered, rare and unlisted SJMSCP Covered Species and other wildlife and compensation for some non-wildlife related impacts to recreation, agriculture, scenic values and other beneficial Open Space uses; and

WHEREAS, the SJMSCP Development Fee adopted in 2001 for natural land and agricultural habitat lands was \$1,500 an acre; and

WHEREAS, the current SJMSCP Development Fee for natural lands and agricultural lands is \$1,819 an acre for the year 2005 due to annual adjustments consistent with the California Construction Cost Index (CCCI); and

WHEREAS, the Fee Study identified the fee an acre for natural lands and agricultural habitat lands for the year 2005 as \$3,145; and

WHEREAS, the current fee of \$1,819 an acre is inadequate to finance the goals and objectives of the SJMSCP due to the increasing cost of land in San Joaquin County; and

WHEREAS, the SJMSCP Development Fees are divided into three categories: vernal pool habitat, natural land and agricultural habitat land, and multi-purpose open space conversion; and

WHEREAS, the SJMSCP Development Fees for vernal pool habitat and multi-purpose open space conversion will likewise be increased consistent with the Fee Study findings for the year 2005. A table illustrating the Development Fee increases for the three categories of land is attached hereto as Exhibit "A"; and

WHEREAS, to ensure that the SJMSCP development fees keep pace with inflation, annual adjustments, consistent with the California Construction Cost Index (CCCI), shall be made to the fees annually; and

WHEREAS, the Fee Study with the SJMSCP and the fee amendment were available for public inspection and review in the office of the City Clerk for more than 10 days prior to the date of this Public Hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LODI, AS FOLLOWS:

- 1. The City Council finds and declares that the purposes and uses of the Development Fee, and the determination of the reasonable relationship between the fees' uses and the type of development project on which the fees are imposed, are all established in Resolution No. 2001-298, and remain valid, and the City Council therefore adopts such determinations.
- 2. The City Council finds and declares that since adoption of Resolution No. 2001-298, the cost of land has increased in San Joaquin County, and that in order to maintain the reasonable relationship established by Resolution No. 2001-298, it is necessary to increase the Development Fee for the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan.
- 3. The Development Fee for natural lands and agricultural land shall be \$3,145 an acre based on Table 7.2.5-1 in SJMSCP with CCCI increases and is consistent with the Fee Study dated July 16, 2001.
- 4. The Development Fee for vernal pool habitat and multi-purpose open space conversion shall be consistent with the table identified in Exhibit "A" and attached hereto.
- 5. The Fee provided in this resolution shall be effective on January 2, 2006, which is at least sixty (60) days after the adoption of this resolution.

| | | () |
|-------|------------|---|
| Dated | : November | 2, 2005 |
| Cound | | tify that Resolution No. 2005 was passed and adopted by the City f Lodi in a regular meeting held November 2, 2005 by the following vote: |
| | AYES: | COUNCIL MEMBERS - |
| | NOES: | COUNCIL MEMBERS - |
| | ABSENT: | COUNCIL MEMBERS - |
| | ABSTAIN: | COUNCIL MEMBERS – |

SUSAN J. BLACKSTON City Clerk

2005-

Exhibit A

| Habitat Type | Current Fee Per Acre | Interim Fee Per Acre | |
|--------------------------|-------------------------|-------------------------|--|
| Multi-Purpose Open Space | \$909 | \$1,572 | |
| Natural | \$1,819 | \$3,145 | |
| Agriculture | \$1,819 | \$3,145 | |
| Vernal Pool - uplands | \$6,074 | \$9,597 | |
| Vernal Pool - wetted | \$36,381 | \$57,482 | |



| AGENDA TITLE: | Request Authorization for Joinder in Letter Supporting Review in the case of Macpherson v. City of Hermosa Beach, Case No. B174240 (Appeal from the decision of the Los Angeles County Superior Court, Case No. BC172546) | | |
|--|---|---|--|
| MEETING DATE: | November 2, 2005 City Council Meeting | | |
| PREPARED BY: | City Attorney's Office | ; | |
| RECOMMENDED ACTION: | | That the City Council authorize the City Attorney to execute letter in support of the petition for Supreme Court review in the case of <u>Macpherson v. City of Hermosa Beach</u> on behalf of the City of Lodi. | |
| because it frustrated | y of initiative) was a v performance of a con ne decision has serior | This case involves the potential liability of cities for damages for breach of contract where a local law impairs a contract to which the city is a party. The Court of Appeal ruled that the valid and constitutional exercise of the police power, but that tract to which the city was a party, could give rise to breach of us implications for all cities that enter into leases and other | |
| FISCAL IMPACT: | None. | | |
| Approved: Jim Krueger, Finance Director | | D. Stephen Schwabauer, City Attorney | |
| | APPROVED: | | |

Blair King, City Manager

| AGENDA TITLE: | Set a Public Hearing | a for November 16. | . 2005 to consider a | n appeal of the |
|---------------|----------------------|--------------------|----------------------|-----------------|
| | | | | |

Planning Commission's decision to deny the request of Kirk Smith on behalf

of Velvet Grill for a Use Permit (U-05-011) to allow a Type 41 Alcoholic Beverage License for on sale beer and wine with a restaurant at 1421 South

Ham Lane, Suite A

MEETING DATE: November 2, 2005

PREPARED BY: Associate Planner, Mark Meissner

RECOMMENDED ACTION: That the City Council sets a Public Hearing for November 16, 2005 to

consider an appeal of the Planning Commission's decision to deny the request of Kirk Smith on behalf of Velvet Grill for a Use Permit (U-05-011) to allow a Type 41 Alcoholic Beverage License for on sale beer

and wine with a restaurant at 1421 South Ham Lane, Suite A.

| FUNDING: | None | |
|----------|------|--|
| | | |
| | | |
| | | Randy Hatch Community Development Director |

MM/RH/kjc

| APPROVED: | | |
|-----------|--------------------------|--|
| | Blair King, City Manager | |

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE MOUNCE

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
P.O. BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 333-6702
FAX (209) 333-6807
cityclrk@lodi.gov

BLAIR KING, City Manager

SUSAN J. BLACKSTON

City Clerk

D. STEPHEN SCHWABAUER

City Attorney

September 26, 2005

Kirk Smith Velvet Grill 1421 S. Ham Lane Lodi, CA 95242

APPEAL OF PLANNING COMMISSION DECISION (09-14-05): To deny a Use Permit to allow a Type 41 Alcoholic Beverage Control License for on sale beer and wine with eating establishment at 1421 S. Ham Ln.

The City Clerk's Office is in receipt of your correspondence regarding the above subject dated September 26, 2005, which has been timely filed in accordance with Lodi Municipal Code 17.72.110. This letter is to inform you that in addition to providing a copy to the City Council we have forwarded your correspondence to the following departments for information, referral, or handling: 1) City Manager, 2) City Attorney, and 3) Community Development Department.

Your check in the amount of \$300 to appeal the decision of the Planning Commission was forwarded to the Community Development Department. You will be notified in writing of the date this matter will be considered by the City Council.

Should you have any questions regarding this, please contact the City Clerk's Office at (209) 333-6702.

Sincerely,

Susan J. Blackston

City Clerk

cc w/enclosure: City Manager

City Attorney

Community Development Department

Scalt

City Council

CITY COUNCIL

JOHN BECKMAN, Mayor
SUSAN HITCHCOCK,
Mayor Pro Tempore
LARRY D. HANSEN
BOB JOHNSON
JOANNE MOUNCE

CITY OF LODI

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BLAIR KING, City Manager
SUSAN J. BLACKSTON
City Clerk

D. STEPHEN SCHWABAUER City Attorney

October 28, 2005

Kirk Smith Velvet Grill 1421 S. Ham Lane Lodi, CA 95242

APPEAL OF PLANNING COMMISSION DECISION (09-14-05)
To deny a Use Permit (U-05-011) to allow a Type 41 Alcoholic Beverage
Control License for on sale beer and wine with a restaurant at
1421 S. Ham Lane, Suite A

This is to notify you that at the City Council meeting of November 2, 2005 at 7:00 p.m. or as soon thereafter as the matter can be heard, in the Council Chamber, at the Carnegie Forum, 305 West Pine Street, Lodi, the Council will consider setting the date for the public hearing pertaining to the above matter.

Enclosed is a copy the November 2, 2005 City Council agenda and staff report related to Consent Calendar Item E-12 as prepared by the Community Development Department. The Community Development Department is recommending that the hearing be scheduled for **November 16, 2005**. Please note that prior to voting on the Consent Calendar the Mayor will offer an opportunity to the public to make comments. Should you wish to do so, please submit a "Request to Speak" card (available in the Carnegie Forum) to the City Clerk prior to the opening of the meeting.

Should you have any questions, please contact me at 333-6702, or the Community Development Department at 333-6711.

Black

Susan J. Blackston

City Clerk

cc: Community Development Department

Comments by the public on non-agenda items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO <u>FIVE</u> MINUTES.

The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted.

Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Comments by the City Council Members on non-agenda items



AGENDA TITLE: Public Hearing to consider the Planning Commission's recommendation of

approval of the request of John Costamagna for a Negative Declaration ND-05-04 and a Rezone from R-2, Residential Single Family to PD(37), Planned Development Number 37 for "Luca Place" a 17-lot low density single-family

residential subdivision located at 1380 Westgate Drive

MEETING DATE: November 2, 2005

PREPARED BY: Associate Planner, Mark Meissner

RECOMMENDED ACTION: That the City Council approve the Planning Commission's

recommendation to approve the request of John Costamagna for a Rezone from R-2, Residential Single Family to PD(37), Planned

Development Number 37 for "Luca Place" a 17-lot low-density single-family residential subdivision located at 1380 Westgate Drive, and approve Negative Declaration ND-05-04 as adequate environmental documentation for the project.

decamentation to the projecti

BACKGROUND INFORMATION: On September 28, 2005, the Planning Commission reviewed and

conditionally approved the "Luca Place" subdivision, located at 1328 Westgate Drive between Kettleman Lane/Highway 12 on the south

and Taylor Road on the north, generally behind the Lowe's store. The Luca Place subdivision has 17-lots for the development of 12 halfplex units and 5 single family homes. The Planning Commission's approval of this subdivision is contingent upon the City Council approving the recommended zoning change from R-2, Single Family Residential to PD(37), Planned Development number thirty-seven. The change in zoning is required because the original duplex project design, which was in conformance with the R-2 zoning, was changed to include halfplex dwellings that require zero lot line construction, lots smaller than 5,000 sq. ft. and less than 50-feet wide. R-2 zoning does not allow for these development standards; however, PD zoning gives the City flexibility to approve development standards that fit a particular project's design.

The City's Zoning Ordinance allows a Planned Development zone to be established on project sites of 2 to 10-acres as long as the project is entirely residential, and the parcel proposed for the planned development has certain unique characteristics that make it difficult to develop, or the housing types proposed for the development cannot be erected within the restrictions of other sections of this title. In this case, the project site is 2.18-acres, has a unique shape that does not easily provide for standard single-family construction, and is proposed for a mix of halfplex and single-family homes.

On October 13, 2004, the Planning Commission reviewed and approved the development plan for the subject parcel which had 11-lots for 6 duplexes and 5 single-family homes. The Luca Place subdivision now proposes 17-lots for 12 halfplexes and 5 single-family homes. The difference between duplexes and halfplexes is that duplexes have two dwellings on one large property, where halfplexes are individual homes on smaller individual lots sharing a property line.

| APPROVED: _ | |
|-------------|--------------------------|
| | Blair King, City Manager |

The Planning Commission found that the current proposal's additional lots and change to halfplexes does not affect the appearance or function of the original duplex proposal, and that the new halfplex proposal remains in substantial compliance with its approved development plan. The Planning Commission's recommendation of approval for the Rezone and Negative Declaration is based on findings that the project will not have a significant impact on the environment, that it is consistent with the City's General Plan, and that the land is physically suitable for the proposed development. Staff finds that the 17 new homes of this subdivision furthers the City's efforts of developing from within the existing City Limits, and that the 12 halfplexes provide a more affordable housing alternative.

| FUNDING: | None | |
|----------|------|--------------------------------|
| | | |
| | | Randy Hatch |
| MM/RH/kc | | Community Development Director |

Attachments: Planning Commission Staff Report, Resolutions, Neg. Dec. 05-04, &

Minutes of 9/28 Public Hearing.



MEMORANDUM, City of Lodi, Community Development Department

To: City of Lodi, Planning Commission

From: Associate Planner, Mark Meissner

Date: September 28, 2005

Subject: The requests of John Costamagna for the Planning Commission's

approval of Luca Place, a 17-lot low density residential Vesting Tentative Subdivision Map at 1380 Westgate Drive, and a recommendation to the City Council to approve a Rezone of the

property from R-2, Residential Single Family to PD(37), Planned Development, and certify Negative Declaration ND-05-04 as

adequate environmental documentation for the project.

RECOMMENDATION

Staff recommends that the Planning Commission approve the requests of John Costamagna for Luca Place, a 17-lot low density residential Vesting Tentative Subdivision Map at 1380 Westgate Drive, and a recommendation to the City Council to approve a Rezone of the property from R-2, Residential Single Family to PD(37), Planned Development, and certify Negative Declaration ND-05-04 as adequate environmental documentation for the project, all subject to the conditions in the attached resolutions.

SUMMARY

The project site is located at 1380 Westgate Drive (APN: 027-420-09) between Taylor Road on the north and Kettleman Lane/Highway 12 on the south. The project site contains 2.18-acres and is to be subdivided into 5 single family and 12 halfplex lots. The change is zoning from R-2, residential single-family to PD, Planned Development is requested because R-2 zoning does not allow zero lot line construction, lots smaller than 5,000 sq. ft. or less than 50-feet wide. PD zoning gives the City flexibility to approve land uses and development standards that fit a particular project's design. Approval of the requested subdivision is contingent upon the City Council approving the change in zoning.

ANALYSIS

The proposed subdivision map illustrates a 17-lot low-density, residential project with 12 halfplex and 5 single-family homes just north of Kettleman Lane fronting Westgate Drive. The lots are clustered from north to south in 3 groups of six and five around private cul-de-sacs. The Planning Commission reviewed and approved the Vintner's Square Development Plan on October 13, 2004. The development plan included the subject 2.18-acre parcel, and a 30-lot, 5.26-acre parcel on Taylor Road. The City Council subsequently approved the requested building allocations for both parcels. The current request is only for the parcel on Westgate Drive, which was approved as a development plan with 11-lots for 6 duplexes and 5 single-family homes. The applicant is now proposing 17-lots for 12 halfplexes and 5 single-family homes. Staff finds that the additional lots and change to halfplexes does not affect the appearance or function of the original

duplex proposal, and remains in substantial compliance with the approved development plan.

Staff is; however, rethinking the proposed private cul-de-sac design, which creates large paved areas with little-to-no benefit. We find that this should be redesigned to provide more yard area and less pavement. A revised design will also provide for more on-site parking. The design could be similar to the Lanes that access the houses in the Villa's subdivision currently under construction on the corner of South Cherokee and East Harney Lanes. These lanes are built of interlocking stone pavers with concrete curb and gutter. The Public Works and Fire Department staff are in agreement that a standard cul-de-sac is not necessary and are receptive to a more attractive and functional design. Staff has included a condition in the resolution to require the project engineer to work with staff to design a mutually agreeable solution.

The location of the tentative map behind the shopping center may seem out of place; however, the residential zone was established at the same time as the shopping center zoning. The homes will be protected from the shopping center by the existing decorative masonry block wall along the north, south, and east boundaries of the project site. Homes adjacent to shopping centers are not unique situations and can be found at practically all of the shopping centers in Lodi. Besides, the land across Westgate Drive to the west is identified in the City's General Plan and Westside Master plan to be developed as homes. Staff finds that the 17 new homes of this subdivision will eventually become part of larger neighborhood to the west, that the project furthers the City's efforts of developing from within the existing City Limits, and that the 12 halfplexes provide a more affordable housing alternative.

The requested Rezone from R-2 to PD is necessary because the existing R-2 zoning does not allow zero-lot-line construction, lots less than 5,000 square feet in size, or lots less than 50-feet wide. The City's Zoning Ordinance allows a Planned Development zone to be established on project sites of 2 to 10-acres as long as the project is entirely residential, and the parcel proposed for the planned development has certain unique characteristics that make it difficult to develop, or the housing types proposed for the development cannot be erected within the restrictions of other sections of this title. The project site is 2.18-acres, has a unique shape that does not provide for standard single-family construction, and is proposed for a mix of halfplex and single-family homes.

The reduction in lot size, width, and zero lot line construction is primarily due to the change in product type from duplex to halfplex. The average lot size is approximately 5,588 sq. ft. with the largest being 6,865 sq. ft. and the smallest being 3,920 sq. ft. The lots range in width from 30, to 65-feet. The smallest lots are the inside halfplex lots sharing a property line with the westerly and larger halfplex lot. Considering that duplexes can be built on corner lots as small as 6,000 sq. ft., staff finds that the combined halfplex lot sizes of 6,865 and 3,920 are more than sufficient.

All other normal low-density residential development standards including offstreet parking, maximum height, maximum lot coverage, and minimum setbacks are met by the proposal. The tentative map includes illustrations of how each lot will be plotted. Staff finds that each home fits on its respective lot with sufficient yard areas. They each provide standard residential setbacks of no less than 20-foot front yards, 10-foot rear yards, and 5-foot side yards. Each home has no less than a 20-foot deep driveway providing parking and access to a two-car garage. The development standards are conditioned in the subdivision map resolution.

Respectfully Submitted,

Reviewed and Concur,

Mark Meissner Associate Planner Jerry Herzick Building Official

MM/mm

CITY OF LODI PLANNING COMMISSION

Staff Report

MEETING DATE: September 28, 2005

APPLICATION NO'S: Tentative Subdivision Map: 05-S-004

Rezone: Z-05-02

REQUEST: The requests of John Costamagna for the Planning

Commission's approval of Luca Place, a 17-lot low density residential Vesting Tentative Subdivision Map at 1380 Westgate Drive, and a recommendation to the City Council to approve a Rezone of the property from R-2, Residential Single Family to PD(37), Planned Development, and certify Negative Declaration ND-05-04 as adequate environmental

documentation for the project.

LOCATION: 1380 Westgate Drive (027-420-08 & 09)

APPLICANT: John Costamagna

PO Box 131

Woodbridge, CA 95258

OWNER: Same

Site Characteristics:

General Plan Designation: LDR, Low Density Residential

Zoning Designations: R-2, Single Family Residential

Project Size: 2.18 acres

Adjacent Zoning and Land Use:

North: County General Plan Agriculture-Urban Reserve (AU) and Zoned Low

Density Residential (R-L).

South: C-S, Commercial Shopping; NCC, Neighborhood Community

Commercial, (Vintner's Square Shopping Center)

East: C-S, Commercial Shopping; NCC, Neighborhood Community

Commercial, (Sunwest Marketplace Shopping Center)

West: County AU-20, Agriculture-Urban Reserve; Inactive use.

Neighborhood Characteristics:

Surrounding land uses are as follows: To the west are rural residential properties in the County primarily undeveloped. To the South is a Chili's Restaurant and parking lot within the Vintner's Square Shopping Center. To the east is the backside of the Lowe's Home Improvement Center, and to the north is a temporary storm drainage basin serving the subject project and the adjacent shopping center.

ENVIRONMENTAL ASSESSMENTS:

Negative Declaration ND-05-04 was prepared in accordance with CEQA. This document adequately addresses possible adverse environmental effects of this project. No significant impacts are anticipated.

PUBLIC HEARING NOTICE:

Legal Notice for the Vesting Tentative Subdivision Map was published on September 17, 2005. A total of four notices were sent to all property owners of record within a 300-foot radius of the subject property.

RECOMMENDATION:

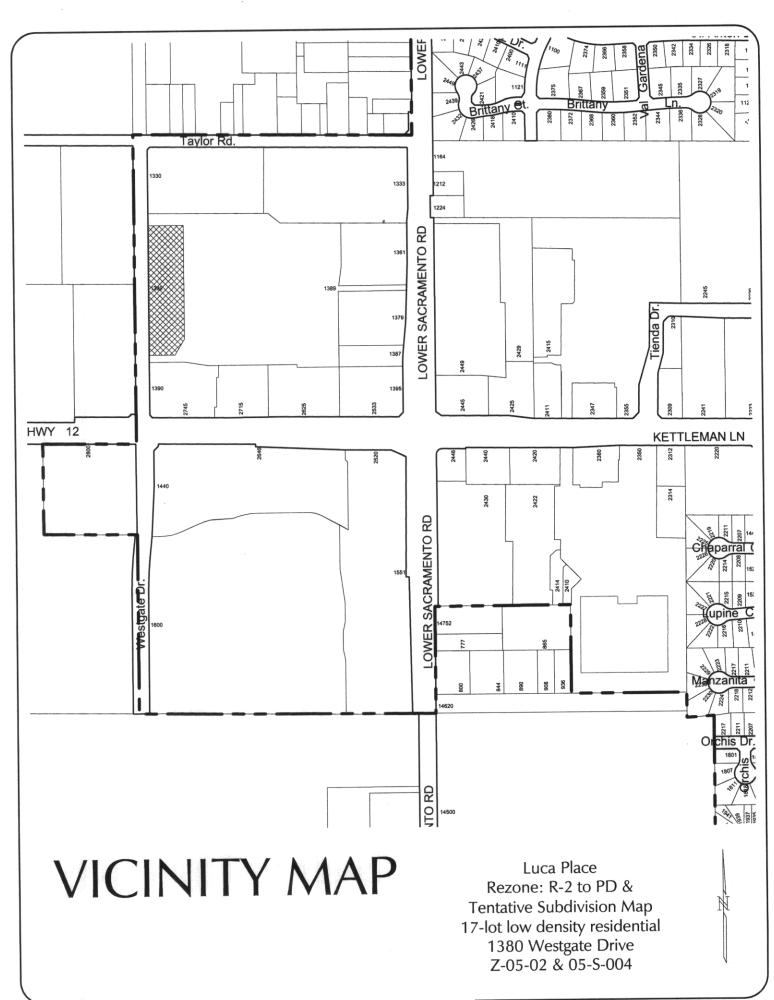
Staff recommends that the Planning Commission approves the requests of John Costamagna for Luca Place, a 17-lot low density residential Vesting Tentative Subdivision Map at 1380 Westgate Drive, and a recommendation to the City Council to approve a Rezone of the property from R-2, Residential Single Family to PD(37), Planned Development, and certify Negative Declaration ND-05-04 as adequate environmental documentation for the project, all subject to the conditions in the attached resolutions.

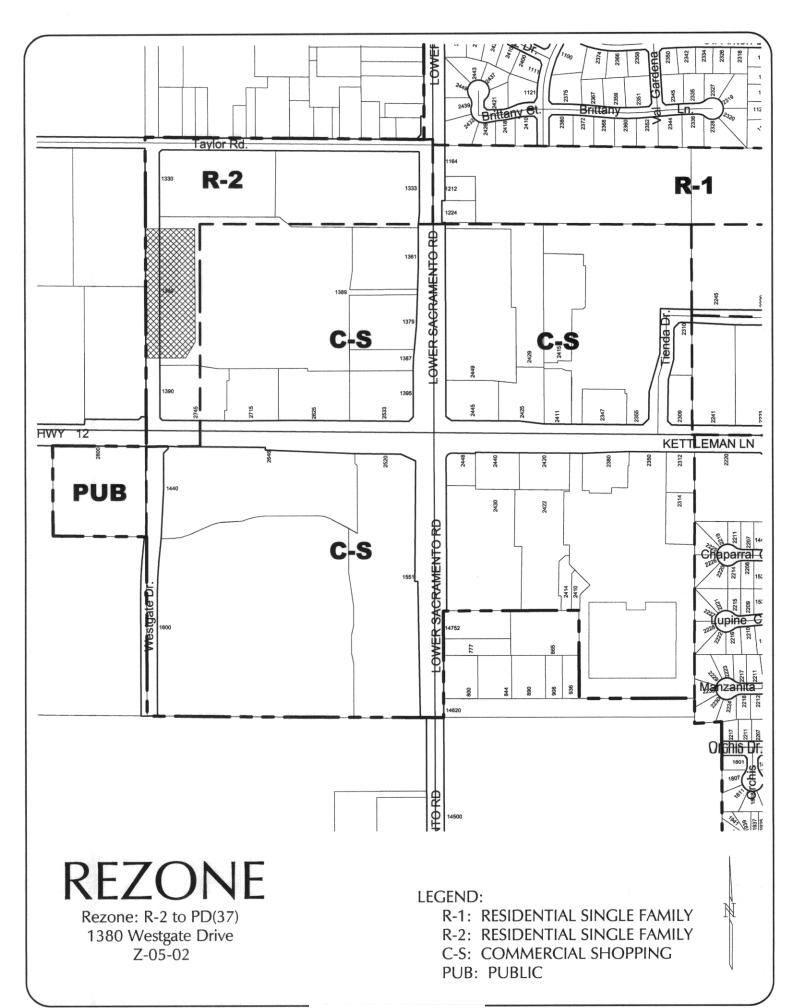
ALTERNATIVE PLANNING COMMISSION ACTIONS:

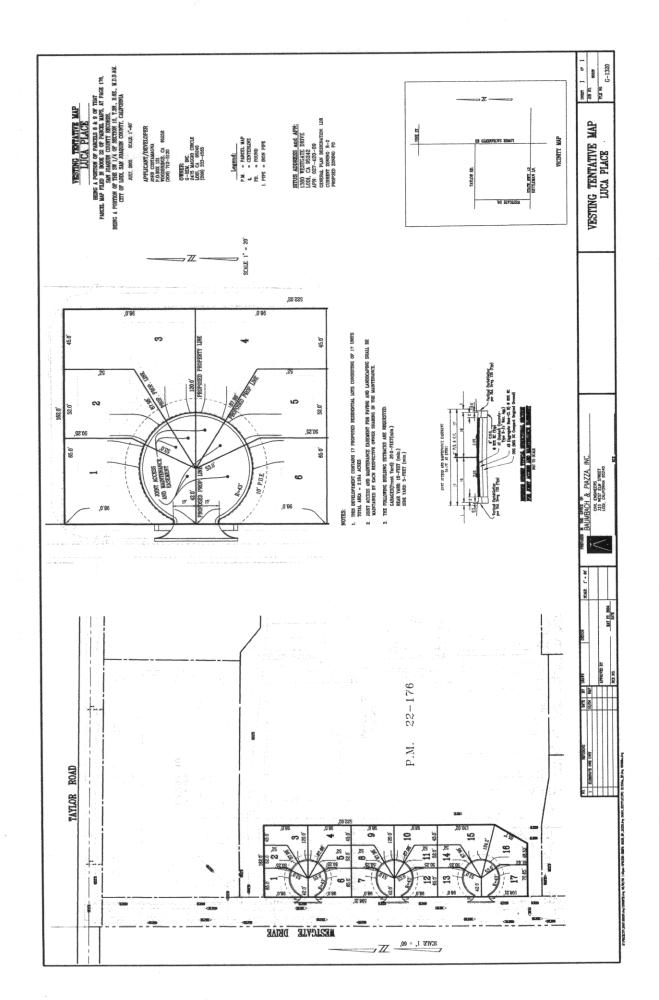
- Approve the Requests with alternate conditions.
- Deny the Requests
- Continue the requests

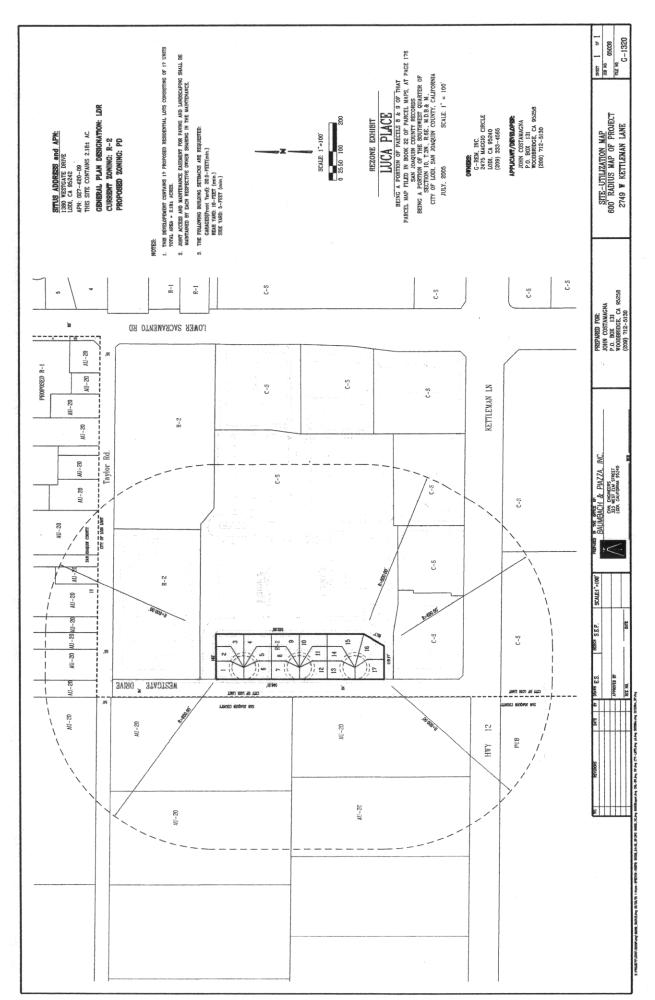
ATTACHMENTS:

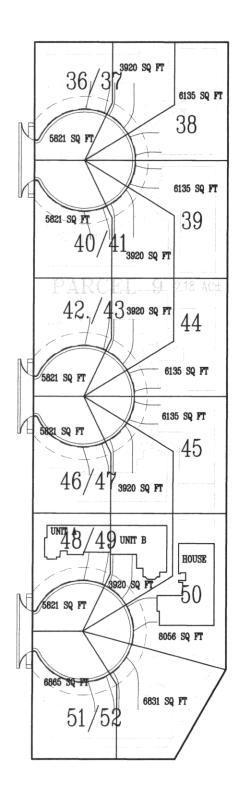
- 1. Vicinity Map
- 2. Vesting Tentative Subdivision Map
- 3. Site Utilization Map
- 4. Rezone Map
- 5. Negative Declaration
- 6. Draft Resolutions











UNIT A - 1290 SQ. FT. TYPICAL UNIT B - 1556 SQ. FT. TYPICAL HOUSE - 2387 SQ. FT. TYPICAL



PREPARED IN THE OFFICE OF:

BAUMBACH & PIAZZA, INC.

CIVIL ENGINEERS 323 WEST ELM STREET LODI, CALIFORNIA 95240

RESOLUTION NO. P.C. 05-30

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI APPROVING THE REQUEST OF JOHN COSTAMAGNA FOR LUCA PLACE, A 17-LOT LOW DENSITY RESIDENTIAL VESTING TENTATIVE SUBDIVISION MAP AT 1380 WESTGATE DRIVE.

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Vesting Tentative Subdivision Map as required by Lodi Municipal Code Chapter 16.10 and the Subdivision Map Act; and

WHEREAS, the property is located at 1380 Westgate Drive (APN's: 027-420-09); and

WHEREAS, the project proponent and owner is John Costamagna, PO Box 131, Woodbridge, CA, 95258; and

WHEREAS, the request is for approval of a 17-lot low-density residential Vesting Tentative Subdivision Map including 5 single family lots, and 12 half-plex lots; and

WHEREAS, the property is zoned R-2, Residential Single-Family; and

WHEREAS, the property has a general plan land use designation of LDR, Low Density Residential, which provides for single family detached and attached homes with a maximum density of 7 dwelling units per acre; and

WHEREAS, the Planning Commission reviewed and approved the Vintner's Square Growth Management Development plan for the project as a prerequisite to this Vesting Tentative Map (Resolution No. P.C. 04-57); and

WHEREAS, the Vintner's Square Growth Management Development Plan consisted of two separate parcels including the subject 2.18-acre parcel and a 5.26-acre parcel totaling 7.44-acres with 52 homes including the project's 17 homes with an overall density of 6.99-dwelling units per acre; and

WHEREAS, the City Council awarded this portion of the approved development plan with 17 low-density building permit allocations; and

WHEREAS, all legal prerequisites to the approval of this request have occurred.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

- 1. Negative Declaration 05-04 was prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided there under. Further, the Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in this Resolution.
- 2. The standard proposed design and improvement of the site is consistent with all applicable standards adopted by the City in that the project, as conditioned, shall conform to the standards and improvements mandated by the City of Lodi Public Works Department, and Zoning Ordinance.
- 3. The standard size, shape and topography of the site are physically suitable for the proposed residential development in that the site is generally flat and has no unusual or extraordinary topographic features.
- 4. The project specific density is 7.8 units per acre; however, the project area is a small portion of the Vintner's Square Growth Management Development Plan that has an overall density of 6.99 units per acre which is consistent with the

- General Plan Land Use and Growth Management Elements that require a density no greater than 7 dwelling units per acre.
- 5. The proposed vesting tentative subdivision map can be served by all public utilities.
- 6. The vesting tentative subdivision map complies with the requirements of Chapter 16.10 of the Lodi Municipal Code regulating Vesting Tentative Maps.

Vesting Tentative Subdivision Map Number: 05-S-004 is hereby approved, subject to the following conditions, which are required for the subject project per City codes and standards with all to be accomplished prior to, or concurrent with, final map filing unless noted otherwise:

- 1. The Planning Commission's approval of the Luca Place Vesting Tentative Map is contingent upon the City Council's approval of the requested Rezone (Z-05-02) establishing PD(37).
- 2. The Vesting Tentative Subdivision Map 05-S-004 shall serve as the approved development plan for PD(37).
 - a) Lots 1, 2, 5, 6, 7, 8, 11, 12, 13, 14, 16, & 17 shall be residential halfplexes. Lots 3, 4, 9, 10, & 15 shall be residential single-family homes.
 - b) Maximum lot coverage shall be 45%. Maximum height shall be 2-stories no taller than 35-feet. Minimum yards shall be 20-foot front, 10-foot back, 5-foot sides, and 10-foot street side. Zero yard is required between halfplex lots. The setback at the northwest corner of lot 1 shall be no less than 5 ft.
 - c) Off street parking requirements shall be 2-covered parking stalls. Driveways shall be no less than 20-feet deep.
- 3. Exterior walls less than 3-feet from the property line shall be of one-hour fire-resistive construction. One-hour firewalls shall be structurally independent for halfplexes at the property line and comply with CBC Sec. 109.4 for parapet requirements.
- 4. Engineering and preparation of improvement plans and estimate per City Public Improvement Design Standards for all public improvements prior to final map filing. Plans to include:
 - a) Approved tentative map, signed by the Community Development Director.
 - b) Detailed utility master plans, including engineering calculations, for all phases of the development. Storm drainage facilities design shall conform to the City of Lodi Storm Water Management Plan adopted by the City Council on March 5, 2003. Construction of required public and private storm drainage facilities will damage the newly paved portions of Westgate Drive. In the event that removal of the new pavement is necessary, the pavement surface shall be restored by grinding a 0.15-foot thickness of asphalt concrete a minimum of 25-feet north and south of the removal from curb-to-curb and thence repaving. The location of new utilities and services and the repair of Westgate Drive shall be determined at the master plan stage to the approval of the Public Works Department.
 - c) Current soils report. If the soils report was not issued within the past three (3) years, provide an updated soils report from a licensed geotechnical engineer.
 - d) Grading, drainage and erosion control plan.
 - e) Copy of Notice of Intent for NPDES permit, including storm water pollution prevention plan (SWPPP).
 - f) Street tree planting plan for parkway strip along Westgate Drive. Requires approval of the Community Development Director and Public Works
 - g) All utilities, including streetlights and electrical, gas, telephone and cable television facilities.

- h) Joint Trench plans.
- i) Under grounding of existing overhead utilities.

A complete plan check submittal package, including all the items listed above plus the Map/Improvement Plan Submittal cover letter, Improvement Plan Checklist and engineering plan check fees, is required to initiate the Public Works Department plan review process for the engineered improvement plans.

- 5. Abandonment/removal of wells, septic systems and underground tanks in conformance with applicable City and County requirements and codes prior to approval of public improvement plans.
- 6. Installation of all public utilities and street improvements within the limits of the map, plus the following "off-site" improvements:
 - a) Public water services shall be provided for each lot. There is an existing 8-inch water line stubbed out to the southwest portion of the project site. Staff suggests that a public utility easement be dedicated to allow this water line to be extended to provide services for the most southerly cul-desac. Additional service taps will be required to serve the remaining two cul-de-sacs. Since Westgate Drive is a new street (less than one year old), a full width street overlay along the entire west subdivision boundary will be required to preserve the integrity of the street pavement section. The developer's engineer may propose other water service design options, if desired. All water utility design shall be to the approval of the Public Works Department.
 - Public wastewater services shall be provided for each lot. There is an existing 8-inch wastewater line stubbed out to the southwest portion of the project site. Staff suggests that a public utility easement be dedicated to allow this wastewater line to be extended to provide services for the most southerly cul-de-sac. Additional service taps from the existing 18-inch wastewater main on the west side of Westgate Drive will be required to serve the remaining two cul-de-sacs. Since Westgate Drive is a new street (less than one year old), a full width street overlay of the west side of Westgate Drive along the entire west subdivision boundary will be required to preserve the integrity of the street pavement section. The developer's engineer may propose other wastewater service design options, if desired. All water utility design shall be to the approval of the Public Works Department. Master plan wastewater facilities are not available south of Kettleman Lane. Installation of a temporary lift station will be required to provide wastewater service for the development until master plan facilities are available. The lift station design and installation shall be to the approval of the Public Works Director.
 - C) Terminal master plan storm drain facilities are not available west of Lower Sacramento Road. Storm drainage facilities shall be designed for future connection to master plan storm drainage facilities with discharge to the temporary drainage basin at the southeast corner of the Westgate Drive/Taylor Road intersection until the master plan facilities are available. Storm drainage shall be collected on site in each cul-de-sac and discharged to the public storm drain system. The on-site storm drainage system shall be privately owned and maintained. A public storm drainpipe shall be installed under the public sidewalk along Westgate Drive to collect the drainage from the cul-de-sacs for discharge to the temporary drainage basin. All storm drainage design shall be to the approval of the Public Works Department.

Calculations shall be submitted showing that sufficient temporary storage capacity exists in the temporary basin, in conformance with City design standards for temporary storm drainage retention basins with no outlet.

An agreement between the developer and owner of the temporary facilities granting the unconditional right to use the facilities shall be entered into and recorded upon all properties served by the facilities.

All public improvements to be installed within one year of final map filing under the terms of an improvement agreement to be approved by the City Council prior to final map filing.

- 7. Design and installation of public improvements to be in accordance with City master plans.
 - Note that the developer may be eligible for reimbursement from others for the cost of certain improvements. It is the developer's responsibility to request reimbursement and submit the appropriate information per the Lodi Municipal Code (LMC) §16.40.
- 8. Project design and construction shall be in compliance with applicable terms and conditions of the City's Stormwater Management Plan (SMP) approved by the City Council on March 5, 2003, and shall employ the Best Management Practices (BMPs) identified in the SMP.
- 9. Dedication of street right-of-way as shown on the tentative map with the following changes/additions:
 - a) Corner cutoffs at the northwest corner of Lot 1 and southwest corner of Lot 17 to accommodate the existing public handicap ramps.
- 10. Dedication of public utility easements as required by the various utility companies and the City of Lodi.
- 11. Acquisition of the following private utility easements outside the limits of the map:
 - a) A utility easement across Parcel 10 (temporary retention pond) for the temporary private discharge to the pond.
 - b) A utility and temporary construction easement across the driveway adjacent to the north boundary of the map for the public storm drain and private storm drain facilities.
- 12. Submit final map per City and County requirements including the following:
 - a) Preliminary title report.
 - b) Waiver of access rights at Westgate Drive except at street openings approved by the Public Works Department.
 - c) Standard note regarding requirements to be met at subsequent date.
- 13. Payment of the following:
 - a) Filing and processing fees and charges for services performed by City forces per the Public Works Fee and Service Charge Schedule.
 - b) Development Impact Mitigation Fees per the Public Works Fee and Service Charge Schedule at the time of project acceptance.
 - c) Wastewater capacity fee at building permit issuance.

The above fees are subject to periodic adjustment as provided by the implementing ordinance/resolution. The fee charged will be that in effect at the time of collection indicated above.

14. In order to assist the City of Lodi in providing an adequate water supply, the Owner/Developer on behalf of itself, its successors and assigns, shall enter into an agreement with the City that the City of Lodi be appointed as its agent for the exercise of any and all overlying water rights appurtenant to the proposed Luca Place subdivision, and that the City may charge fees for the delivery of such water in accordance with City rate policies. In addition, the agreement shall assign all appropriative or prescriptive rights to the City. The agreement

- will establish conditions and covenants running with the land for all lots in the subdivision and provide deed provisions to be included in each conveyance.
- 15. Street trees in the parkways along Westgate Drive adjacent to the subdivision boundary are required and shall be installed by the developer at the developer's expense to the approval of the Public Works and Community Development Directors. The developer shall provide for on-going maintenance and replacement of street trees in the parkways and a prorated share of public park land as provided in Resolution No. 2003-250 approved by the City Council on December 17, 2003, by selecting one of the options listed below:
 - a) Formation of a 1972 Act Landscape and Lighting District. Annexation to the Lodi Consolidated Landscape and Maintenance District 2003-1 prior to final map filing. All costs associated with annexation to the District shall be the developer's responsibility. Developer shall be responsible for the regular and ongoing maintenance and replacement of street tree improvements along until the first revenues are received by the City from the District.
 - b) Homeowner's Association. The developer shall form a Homeowners Association that will assess and collect fees from homeowners for future maintenance, operation and replacement costs, including a prorated share of public park land, which shall be payable to the City on an annual basis under the terms of an agreement with the City to be executed by the developer prior to final map filing. The agreement will run with the land and be binding on the developer, its heirs, successors or assigns. The agreement shall be recorded prior to or concurrently with the final map.
- 16. Obtain a San Joaquin County well/septic abandonment permit.
- 17. On-site fire protection as required by the Fire Department.
- 18. Applicable agreements and/or deed restrictions for access, use and maintenance of shared, private facilities to Community Development Department approval.
- 19. Payment of the San Joaquin County Community Facilities Fee and Habitat Conservation Fee.
- 20. The developer will be required to provide a one-year maintenance bond in the amount of 10% of the value of the public improvements.
- 21. The proposed private cul-de-sac design creates a large paved area with little-to-no benefit. The project engineer shall work with City staff to replace the cul-de-sac design with a mutually agreeable solution.

Dated: September 28, 2005

I hereby certify that Resolution No. 05-30 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on September 28, 2005, by the following vote:

| AYES: | Commissioners: | | |
|----------|----------------|---------|--------------------------------|
| NOES: | Commissioners: | | |
| ABSENT: | Commissioners: | | |
| ABSTAIN: | Commissioners: | | |
| | | ATTEST: | |
| | | | Secretary, Planning Commission |

RESOLUTION NO. P.C. 05-31

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LODI RECOMMENDING APPROVAL OF THE REQUEST OF JOHN COSTAMAGNA FOR REZONING Z-05-02 TO THE LODI CITY COUNCIL.

WHEREAS, the Planning Commission of the City of Lodi has heretofore held a duly noticed public hearing, as required by law, on the requested Rezoning in accordance with the Government Code and Lodi Municipal Code Chapter 17.84, Amendments; and

WHEREAS, the property is located at 1380 Westgate Drive (APN: 027-420-09); and

WHEREAS, the project proponent and owner is John Costamagna, PO Box 131, Woodbridge, CA, 95258; and

WHEREAS, the property is zoned R-2, Residential Single-Family; and

WHEREAS, the proposed zoning designation is PD(37), Planned Development; and

WHEREAS, Vesting Tentative Subdivision Map 05-S-004 was reviewed and conditionally approved by the Planning Commission, and will serve as the approved development plan for Planned Development Number 37; and

WHEREAS, all legal prerequisites to the approval of this request have occurred.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED by the Planning Commission of the City of Lodi as follows:

- 1. Negative Declaration File No. ND-05-04 has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided there under. Further, the Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in this Resolution.
- 2. The requested Rezoning to PD(37), Planned Development Number 37 does not conflict with adopted plans or policies of the General Plan and serves sound planning practice.
- 3. The land of the proposed rezoning meets the requirements of the physically suitable for the development of a residential low-density project.
- 4. The Planning Commission of the City of Lodi hereby recommends approval of Rezone Z-05-02 to the City Council of the City of Lodi.

Dated: September 28, 2005

I hereby certify that Resolution No. 05-31 was passed and adopted by the Planning Commission of the City of Lodi at a regular meeting held on September 28, 2005, by the following vote:

| | | Secretary, Planning Commission |
|----------|----------------|--------------------------------|
| | | ATTEST: |
| ABSTAIN: | Commissioners: | |
| ABSENT: | Commissioners: | |
| NOES: | Commissioners: | |
| AIES: | Commissioners: | |

NEGATIVE DECLARATION NO. 05-04

FOR

Rezone and Tentative Subdivision Map for Luca Place 1380 Westgate Drive, Lodi.

APPLICANT: John Costamagna

PREPARED BY:

CITY OF LODI Community Development Department P.O. BOX 3006 LODI, CA 95241

August 2005

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CITY OF LODI

REZONE AND TENTATIVE SUBDIVISION MAP FOR LUCA PLACE

PROJECT DESCRIPTION

The project site is located at 1380 Westgate Drive (APN: 027-420-09) between Taylor Road on the north and Kettleman Lane/Hwy. 12 on the south. The project site contains 2.18-acres and is to be subdivided into 5 single family and 12 half-plex lots. The current R-2, residential single-family zoning does not allow zero lot line construction for the half-plex lots. Thus the change is zoning from R-2 to PD, Planned Development is requested. PD zoning gives the City flexibility to approve land uses and development standards that fit a particular project's design. The project is consistent with the existing LDR, Low Density Residential General Plan Land Use designation therefore no amendment is necessary.

ENVIRONMENTAL CHECKLIST FORM

| 1. | Project title: Rezone and Tentative Subdivision Map for Luca Place. |
|-----|---|
| 2. | Lead agency name and address: |
| | City of Lodi-Community Development Department |
| | Box 3006, Lodi, CA 95241 |
| 3. | Contact person and phone number: |
| | Mark Meissner |
| | (209) 333-6711 |
| 4. | Project location: |
| | San Joaquin County, CA.; |
| | 1380 South Westgate Drive. |
| 5. | Project sponsor's name and address: |
| | John Costamagna, PO Box 131, Woodbridge, CA 95258 |
| 6. | General Plan designation: LDR, Low Density Residential |
| 7. | Zoning: R-2, Residential Single-Family |
| 8. | Description of project: See page 3 "Project Description" |
| 9. | Surrounding land uses and setting: |
| | North – Temporary storm drainage basin. |
| | South – Future shopping center |
| | East -Commercial shopping center |
| | West – Rural Residential in the County primarily undeveloped. |
| | The surrounding land uses are as follows: To the west are rural residential properties in the |
| | County primarily undeveloped. To the South is a Chili's restaurant located within the |
| | Vintner's Square shopping center. To the east is the backside of a Lowe's home improvement |
| | center in the same shopping center, and to the north is a storm drainage basin for the shopping |
| | center. |
| 10. | Other public agencies whose approval is required: None |
| ENV | VIRONMENTAL FACTORS POTENTIALLY AFFECTED: |
| The | environmental factors checked below would be potentially affected by this project, involving at |
| | t one impact that is a (Potentially Significant Impact") by the checklist on the following pages. |

| least one impact that is a (Poten | tially Significant Impact") by the checklist | on the following pages. |
|-----------------------------------|--|--------------------------------|
| ☐ Land Use and Planning | ☐ Transportation/Circulation | ☐ Public Services |
| ☐ Population and Housing | ☐ Biological Resources | ☐ Utilities and Service System |
| ☐ Geological Problems | ☐ Energy and Mineral Resources | ☐ Aesthetics |
| □ Water | ☐ Hazards | ☐ Cultural Resources |
| □Air Quality | □ Noise | ☐ Recreation |
| | ☐ Mandatory Findings of Significance | |

| | NVIRONMENTAL IMPACTS: LAND USE AND PLANNING. Would the proposed: | Potentially Significant Impact | Potentially Significant Unless mitigation Incorporated | Less than Significant Impact | No Impact |
|----|--|--------------------------------------|--|------------------------------------|--------------|
| a) | Conflict with general plan designation or zoning? | | | | Ø |
| b) | Conflict with applicable environmental plans or policies adopted by agencies with jurisdiction over the project? | | | | Ø |
| c) | Be incompatible with existing land use in the vicinity? | | | | \square |
| d) | Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)? | | | | 0 |
| e) | Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)? | | | | Ø |
| II | POPULATION AND HOUSING. Would the proposal: | | | | |
| a) | Cumulatively exceed official regional or local population projections? | | | | \square |
| b) | Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)? | | | | |
| c) | Displace existing housing, especially affordable housing? | | | | Ø |
| II | I. GEOLOGIC PROBLEMS. Would the proposal result in or expose people to potential impacts involving: | | | | |
| a) | Fault rupture? | | | | |
| b) | Seismic ground shaking? | | | | |
| c) | Seismic ground failure, including liquefaction? | | | | \square |
| d) | Seiche, tsunami, or volcanic hazard? | | | | \square |
| f) | Erosion, changes in topography or unstable soil conditions from excavation, grading or fill? | _ | | | Ø |
| g) | Subsidence of land? | | | | \square |
| h) | Expansive soils? | | | | \square |
| i) | Unique geologic or physical features? | | | | |

| IV | . WATER. Would the proposal result in: All "No" - Reference Source: See Project Description | Potentially Significant Impact | Potentially Significant Unless mitigation Incorporated | Less than Significant Impact | No Impact |
|----|--|--------------------------------------|--|------------------------------------|--------------|
| a) | Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff? | | | \square | |
| b) | Exposure of people or property to water related hazards such as | | | | \square |
| c) | flooding? Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity? | | | | Ø |
| d) | Changes in the amount of surface water in any water body? | | | | \square |
| e) | Changes in currents, or the course or direction of water movements? | | | | \square |
| f) | Change in the quantity of ground water, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavation or through substantial loss of ground water recharge capability? | | | | ☑ |
| g) | Altered direction or rate of flow of groundwater? | | | | |
| h) | Impacts to groundwater quality? | | | | \square |
| I) | Substantial reduction in the amount of groundwater otherwise available for public water supplies? | | | | ☑ |
| | AIR QUALITY. Would the proposal: | | | | |
| | "No" Reference Source: Appendix H, #25 & Environmental Setting, Sec. 3.3: | _ | _ | _ | _ |
| a) | Violate any air quality standard or contribute to an existing or projected air quality violation? | | • | | ☑ |
| b) | Expose sensitive receptors to pollutants? | | | | \square |
| c) | Alter air movement, moisture, or temperature, or cause any change in climate? | | | | Ø |
| d) | Create objectionable odors? | | | | Ø |
| VI | . TRANSPORTATION/CIRCULATION. Would the proposal result in: | | | | |
| Al | "No" Reference Source: See Project Description | | | | |
| a) | Increased vehicle trips or traffic congestion? | | | \square | |
| b) | Hazards to safety from design feature, (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | | | | |
| c) | Inadequate emergency access or access to nearby uses? | | | | \square |
| d) | Insufficient parking capacity onsite or offsite? | | | | \square |
| e) | Hazards or barriers for pedestrians or bicyclists? | | | | \square |
| f) | Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | | | | Ø |
| g) | Rail, waterborne or air traffic impacts? | | | | |

| VII. BIOLOGICAL RESOURCES. Would the prop | oosal result in impacts to: | Potentially Significant Impact | Potentially Significant Unless mitigation Incorporated | Less than Significant Impact | No Impact |
|--|-----------------------------|--------------------------------------|--|------------------------------------|--------------|
| a) Endangered, threatened or rare species or their h limited to plants, fish, insects, animals, and birds? | | | | | |
| b) Locally designated species (e.g., heritage trees)? | | | | | \square |
| c) Locally designated natural communities (e.g., oak habitat, etc.)? | s forest, coastal | | | | Ø |
| d) Wetland habitat (e.g., marsh, riparian, and verna | l pool)? | | | | |
| e) Wildlife dispersal migration corridors? | | | | | ☑ |
| VIII. ENERGY AND MINERAL RESOURCES. W | ould the proposal: | | | | |
| a) Conflict with adopted energy conservation plan? | | | | | |
| b) Use nonrenewable resources in a wasteful and inc | efficient manner? | | | | abla |
| c) Result in the loss of availability of a known miner of future value to the region and the residents of the residents of the region and the region and the residents of the region and the regi | | | | | Ø |
| IX. HAZARDS. Would the proposal involve: | | | | | |
| a) A risk of accidental explosion or release of hazard (including, but not limited to, oil, pesticides, chem | | | | | Ø |
| b) Possible interference with an emergency response evacuation plan? | e plan or emergency | | | | Ø |
| c) The creation of any health hazard or potential he | alth hazard? | | | | |
| d) Exposure of people to existing sources of potentia | l health hazards? | | | | |
| e) Increased fire hazard in areas with flammable br | ush, grass, or trees? | | | | Ø |
| X. NOISE. Would the proposal result in: | | | | | |
| a) Increase in existing noise levels? | | | | | \square |
| b) Exposure of people to severe noise levels? | | | | | \square |
| XI. PUBLIC SERVICES. Would the proposed have a need for new or altered government services in an | | | | | |
| a) Fire protection? | | | | | |
| b) Police protection? | | | | | |
| c) Schools? | | | | \square | |
| d) Maintenance of public facilities, including roads? | | | | \square | |
| a) Other government services? | | | п | N/ | п |

| XII. UTILITIES AND SERVICE SYSTEMS. Would the proposal result in a need for new systems or supplies, or substantial alterations to the following utilitie:s | Potentially Significant Impact | Potentially Significant Unless mitigation Incorporated | Less than Significant Impact | No Impact |
|---|--------------------------------------|--|------------------------------------|--------------|
| a) Power or natural gas? | | | | \square |
| b) Communications systems? | | | | \square |
| c) Local or regional water treatment or distribution facilities? | | | | \square |
| d) Sewer or septic tanks? | | | | \square |
| e) Storm water drainage? | | | | \square |
| f) Solid waste disposal? | | | | \square |
| g) Local or regional water supplies? | | | | |
| XIII. AESTHETICS. Would the proposal: | | | | |
| a) Affect a scenic vista or scenic highway? | | | | \square |
| b) Have a demonstrable negative aesthetic effect? | | | | \square |
| c) Create light or glare? | | | | Ø |
| XIV. CULTURAL RESOURCES. Would the proposal: | | | | |
| a) Disturb paleontological resources? | | | | \square |
| b) Disturb archaeological resources? | | | | \square |
| c) Have the potential to cause a physical change which would affect unique ethnic cultural values? | | | | Ø |
| d) Restrict existing religious or sacred uses within the potential impact area? | | | | Ø |
| XV. RECREATION. Would the proposal: | | | | |
| a) Increase the demand for neighborhood or regional parks or other recreational facilities? | | | | Ø |
| b) Affect recreation opportunities? | | | | M |

| XV | I. MANDATORY FINDINGS OF SIGNIFICANCE | Potentially Significant Impact | Significant Unless mitigation Incorporated | Less than Significant Impact | No Impact |
|----|--|--------------------------------------|--|------------------------------------|--------------|
| a) | Does the project have the potential to degrade the quality of the environment of a fish or wildlife species, cause a fish or wildlife population to drop below eliminate a plant or animal community, reduce the number of restrict the reor animal or eliminate important examples of the major periods of Californ | v self-sustainin ange of a rare | g levels, threat or endangered | en to | |
| | | | | | |
| b) | Does the project have the potential to achieve short-term, to the disadvantagoals? | ge of long-teri | n, environment | tal | |
| | | | | | |
| c) | Does the project have impacts that are individually limited, but cumulativel considerable" means that the incremental effects of a project are consideral the effects of past projects, the effects of other current projects, and the effects of the current projects, and the effects of the current projects. | ble when view | ed in connectio | n with | |
| | | | | | \square |
| d) | Does the project have environmental effects, which will cause substantial addirectly or indirectly. | lverse effects (| on human bein | gs, either | |
| | | | | | |
| | | | | | |

Potentially

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In case a discussion should identify the following or attached sheets.

- Earlier analyses used.
 - 1. June 1991. City of Lodi General Plan EIR.
 - 2. February 1996. Geweke West Annexation, General Plan Amendment and Pre-zoning. Negative Declaration, File No., ND-95-05. Notice of Determination Filed, February 27, 1996. Studied the potential impacts of the annexation and zoning of 15201 North Lower Sacramento Road and 570 East Taylor Road. The zoning was established as C-S, Commercial Shopping and R-2, Single Family. This negative declaration and initial study identified potential impacts for the build-out of a shopping center and low-density residential subdivision.
 - September 1998. Vintner's Square Residential (Apartment Complex). Negative Declaration, File No., ND-98-09; studied the potential impacts of a zone change and general plan amendment to allow a 200unit medium density apartment complex.
 - October 1999. Vintner's Square Residential, Negative Declaration, File No., ND-97-01. Studied the potential impacts of a 13.19-acre Growth Management Development Plan for 79 low-density singlefamily dwellings at a density of 6.98 dwelling units per acre.
 - June 2002. Vintner's Square, Negative Declaration, File No., ND-02-05. Notice of Determination Filed, December 2, 2002. Studied the potential impacts of a 5.42 acre Growth Management Development Plan for 33 low-density single-family dwellings at a density of 6.1 dwelling units per acre.
 - September 2004. Growth Management Development Plan for Vintner's Square Homes, Negative Declaration, File No., ND-04-05. NOD Filed, May 31, 2005. Studied the potential impacts of a 7.44 acre Growth Management Development Plan for 53 low-density single-family dwellings at a density of 6.99 dwelling units per acre. The current request occupies a portion of the land reviewed by this previous action.
- b) Mitigation measures. See attached Summary for discussion.

DISCUSSION OF FINDINGS:

Discussion of Land Use and Planning Finding

No Impact (a, b, c, e)

The Project is consistent with the General Plan and does not require an amendment. The parcel is zoned R-2, residential single family and has a general plan designation of LDR, low density residential. The project was recently reviewed and approved by the City as a development plan with 5 single-family lots and 6 duplex lots. The applicant is proposing to change the duplexes to half-plexes, which requires individual parcels and zero lot line construction. R-2 zoning does not allow zero lot line construction prompting the requested zone change to PD, Planned Development. PD zoning gives the City flexibility to approve land uses and development standards that fit a particular project's design. Neither the six additional half-plex lots nor the change in zoning affect the design or density of the approved development plan. From a visual, land use, and density perspective there will be no change.

The proposed rezone and tentative subdivision map are consistent with the Westside Facilities Plan, a master plan for the area in that the plan calls for development at 7 dwelling units to the acre. It is important to note that the Westside Facilities Plan sets environmental goals for the area, thus the project is consistent with adopted environmental goals of Lodi. The proposed tentative subdivision map is compatible with adjacent land uses in that the properties to the west are vacant and planned for residential development. The project site is vacant and prepared for the development of this project so it cannot disrupt or divide the physical arrangement of an established community.

Less than Significant (d)

Some conflicts could arise from urban and agricultural operations; however, in this case this conflict will be less than significant. Minimizing this impact is the City of Lodi's Right to Farm Ordinance, which requires full disclosure of agricultural operations to perspective homeowners. Westgate drive has a 74-foot right-of-way that will serve as a buffer between agricultural operations to the west and residential land uses of this project. Further development to the west has been studied and planned for in the City's General Plan and detailed further in the Westside Facilities Plan as residential development. Given the requirements of the City's Right to Farm ordinance and the construction of Westgate Drive we find that impacts on agricultural resources or operations will be less than significant.

The soil type within the project area is classified as Tokay fine sandy loam, hardpan substratum. This is classified as Prime Farmland soil. Although this loss of a non-renewable resource is notable, the loss of this soil type is less than significant in this particular case. One factor reducing this impact is the scale of the project. At 2.18 acres, the project site is not likely to sustain a viable agricultural operation. The economic yield on a small acre farm tends to make capital investment necessary for continued agricultural operations infeasible. Existing development pressure on the site will also make agricultural production less desirable.

Further protecting agricultural resources in the area is Lodi's efficient use of land that minimizes development of farmland. According to the 2000 Census, Lodi has 1,747 dwelling units per square mile and 4,657.9 people per square mile, well above the countywide averages of 1,163 and 3,430.2. The City's intensive growth pattern has and will continue to protect agricultural resources around the City. To insure sustainable agricultural interests in the area, the City of Lodi has formed a committee to discuss the establishment of a greenbelt to maintain separation of neighboring communities, and preserve agricultural land values. It is anticipated that a combination of these efforts will provide the necessary framework for long-term agricultural production in the Lodi area. Thus, in this particular case, the loss of 2.18 acres of Prime Farmland soil is expected to be less than significant.

Discussion of Population and Housing Finding

No Impact (a, b, c)

The State Department of Finance estimates persons per household numbers in Lodi to be 2.79. Seventeen homes could produce 47 new inhabitants. Due to the small scale of the project and the infrastructure being installed in the area, no new major extension are needed. The project will not induce substantial growth in the area either directly or indirectly. There are no dwelling units on site; therefore the project will not displace existing housing. There may be a slight beneficial impact to affordable housing resulting from the project in that the project proposes 12 half-plex units that could be affordable to moderate-income families.

Discussion of Geologic Problems Finding

No Impact (a, b, c, d, e, f, g, h, i)

In general Lodi is considered to be an area of relatively low seismicity in a state characterized by moderate-to-high seismic activity. There are several fault zones within San Joaquin County and neighboring counties that could affect proposed project. These include the concealed Tracy-Stockton Fault approximately 12 miles to the southwest and the concealed Midland Fault zone, approximately 20 miles to the west. The Melones Fault is 36 miles to the east, and the Green Valley-Concord and Hayward faults are 46 and 52 miles, respectively to the west. Therefore, no impacts created by fault rapture are expected as a result of the project. The project area is located in Seismic Zone 3 pursuant to the Uniform Building Code. Pursuant to the routine implementation of City of Lodi policy, all proposed structures would be built in accordance with the Uniform Building Code for this seismic area. Based on this requirement, no impacts resulting from ground shaking are expected as a result of this project. The soil type within the project area is classified as Tokay fine sandy loam, hardpan substratum. This soil classification has a fair strength value according to the AASHO standard. Therefore, no seismic ground failure is expected as a result of this project. The nearest water body to the project site is the Mokelumne River, approximately 2 miles north of the site. Therefore, no impacts associated with the risk of upset created by seiche, tsunami or volcanic hazards are expected as a result of this project. In addition to a fair AASHO strength standard, the Tokay fine sandy loam in the area has a low shrink-swell potential, making the soil suitable for cutting or filling. Given the proximity of the Mokelumne River, no impacts

created by the subsidence of land are expected with this project. The Tokay fine sandy loam is not an expansive soil type nor is there any unique geologic or physical features present on the project site.

Discussion of Water Finding

No Impact: (b, c, d, e, f, g, h, i)

The site is within Zone X of the Federal Emergency Management Agency Flood Map, Community Panel Number 060300-0001 E prepared on May 7, 2002. Zone X reflects areas within the 500-year flood; areas of 100-year flood with average depths of less than 1 foot. This reflects the distance from the Mokelumne River, which is approximately 2 miles north of the project site. Thus the project is not expected to expose people or property to water related hazards such as flooding. The project sites will drain into the temporary storm drainage basin located to the north. The temporary storm drainage basin was engineered to accommodate the necessary runoff from the developing Lowe's Shopping Center to the south and the residential land of this parcel. This basin allows for immediate storm water collection and is later drained by pumping the water to the east and south to the existing the storm water basin of Beckman Park on S. Ham Ln. and W. Century Boulevard. The water is then pumped through a meter into Woodbridge Irrigation District canals, which in turn transports the water to the San Joaquin Delta. This process aerates the water and removes turbidity without an increase in the temperature of the water. Therefore, the project is not expected to alter the surface water quality of the Delta. Because storm water is metered into Woodbridge Irrigation District pipelines, the project is not expected to change the amount of surface water in any water body. There is no water body present on site; therefore, the project will not result in the change of currents or the course or direction of water movement. Because of the relatively small size of the project (17 units) the project will have an imperceptible change of the quantity of groundwater available in the area. The project is expected to require approximately 2,040 gallons of water per day (120 gallons per dwelling unit per day X 17 dwelling units). The City of Lodi water system has capacity to service this subdivision.

The groundwater basin in the area generally flows towards the south because of the over-drafting of water in the Stockton area. This project will not alter this general movement of groundwater. Due to the residential character of the project, hazardous waste and quality impacts associated with storm water runoff are expected to be mitigated though the scrubbing process associated with the city's storm water collection system. Therefore, no impacts to groundwater quality are expected as a result of this project. Because of the project's consistency with the general plan, the project is not expected to result in a substantial reduction in the amount of groundwater otherwise available for public use.

Less than significant: (a)

With the development of vacant land, the absorption rates will decrease while runoff increases. The routine implementation of the City of Lodi Standard Plans and Specifications will insure that adequate facilities are constructed to mitigate potential impacts on absorption rates and runoff to less than significant levels.

Discussion of Air Quality Finding

Less than Significant: (a, b, c, d)

The proposed project at 17 dwelling units and 170 projected Average Daily Trips falls under the threshold of the Small Project Analysis Level set by the San Joaquin Valley Unified Air Pollution Control District. In the Guide for Assessing and Mitigating Air Quality Impacts, Table 5-2, the District sets a standard of 1,453 Average Daily Trips; and Table 5-3 sets a standard of 152 units as the threshold for projects that require further investigation and evaluation. Therefore, the proposed project is expected to have a less than significant impact to the existing air quality violation that the District currently experiences with Ozone and PM₁₀ standards. The proposed project is further from any of the listed uses on Table 4-2 of the Guidelines, therefore, the project is not expected to expose people to pollutants or odors. The homes of this subdivision are proposed to be two stories, which is not expected to significantly alter air movement. Ambient temperature levels could rise due to the paving of streets, however, the City of Lodi street standards specify street trees as part of the routine construction of new streets. The shading created by the street trees is expected to reduce the temperature change to a level of less than significant. Being a residential development, the proposed project is not expected to create any objectionable odors.

Discussion of Traffic/Circulation Finding

No Impact: (c, d, f, g)

The project is approximately two miles from Fire Station #3 and 1.3 miles from Fire Station #4. The Fire Department has a response time goal of three minutes and this site is within a three-minute response time from either of these two stations. The Lodi Police Department provides beat service to the area and has a service goal of 3 to 40 minutes. The routine implementation of the City of Lodi Police and Fire fee ordinances will mitigate any impact to these emergency response providers. Therefore the project will not result in inadequate emergency access or prevent emergency access to other nearby uses. The Zoning Ordinance requires two off-street parking spaces for each dwelling unit; these spaces plus the driveway provide each lot with four off-street parking spaces. In addition on-street parking can be provided given the lot widths in excess of fifty feet. Therefore, the project will not result in insufficient parking capacity either onsite or offsite. The project area is directly serviced by Grapeline Route #1 and is within a guarter mile of Grapeline Routes #2 and #4 as well as SMART Route #20. Thus, the area is well serviced by existing transit service and complies with City of Lodi alternative transportation policies. There are no rail or waterborne transportation facilities in the area, thus no conflicts are expected with these forms of transportation. The site is not located within a noise contour or regular flight path of an airport; therefore, no impacts to air traffic are expected as a result of this project.

Less than Significant Impact: (a, b, e)

Westgate Drive is a two-lane roadway with a median, two bicycle lanes, curb, gutter, mow strip, and sidewalk within a 74-foot right-of-way. Westgate Drive connects the project site to Kettleman Lane/Highway 12 to the south and Taylor Road to the north. The intersection of Westgate Drive and Kettleman Lane is signalized. Taylor Road is an

east/west connector between Lower Sacramento Road and Westgate Drive. Plans for Taylor Road include two travel lanes, curb, gutter, mow strip and sidewalk taking place within a 50-foot right-of-way. The proposed subdivision has 3 separate cul-de-sacs accessing Westgate drive.

Build-out of the project area is expected to generate approximately 170 Average Daily Trips (17 dwelling units at 10 Average Daily Trips). The additional trips generated by this project is not expected to adversely impact the intersections of Taylor Road and Lower Sacramento Road or Kettleman Lane and Westgate Drive. The intersections have been designed to operate at an acceptable Level of Service with adequate capacity to operate without a drop in the level of service provided with the proposed project. Therefore, impacts associated with the additional 170 Average Daily Trips will be less than significant.

The intersection of a Westgate Drive and Kettleman Lane (State Highway 12) has the potential to increase hazards along this highway; however, the routine implementation of City and Cal Trans design standards will mitigate risks associated with this intersection to a less than significant level.

Although typically this type of project could have an impact to pedestrian and bike traffic, impacts created are expected to be less than significant in this case. The existing traffic signal at the Sunwest Shopping Center and Lower Sacramento Road provides a controlled crossing point for bicyclists and pedestrians travelling in an east/west direction. The nearest crossing of Lower Sacramento Road is a short distance to the north at the intersection of Vine Street. Other north/south crossings are facilitated by traffic signals at the intersection of Lower Sacramento Road and Kettleman Lane and a new signal being installed at Kettleman Lane and Westgate Drive. Mitigation to pedestrian traffic is the close proximity of the City's fixed route bus system. Grapeline Route 1 provides direct service to the site and Grapeline Routes 2 and 4 as well as SMART Route 20 provide service at the intersection of Lower Sacramento Road and Kettleman Lane (State Highway 12). Because of the existing crossing signals and transit services available in the general proximity of the site, impacts to bicycles and pedestrians is expected to be less than significant.

Discussion of Biological Resources Finding

Less than Significant Impact: (a, b, c, d, e)

The proposed project is consistent with the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), as amended, as reflected in the conditions of project approval for this proposal. Pursuant to the Final EIR/EIS for the San Joaquin county Multi-Species Habitat Conservation and Open Space Plan (SJMSCP), dated November 15, 2000, and certified by the San Joaquin Council of Governments on December 7, 2000, implementation of the SJMSCP is expected to reduce impacts to biological resources resulting from the proposed project to a level of less-than-significant. That document is hereby incorporated by reference and is available for review during regular business hours at the San Joaquin Council of Governments (6 S. El Dorado St., Suite 400/Stockton, CA 95202) or online at: www.sicog.org.

Discussion of Energy and Mineral Resources Finding

No Impact: (a, b, c)

The routine implementation of Title 24 of the California Administrative Code insures that the proposed dwelling units are consistent with energy conservation standards. There are no known mineral deposits on site; therefore, the project will not result in a loss of availability.

Discussion of Hazards Finding

No Impacts: (a, b, c, d, e)

The development of 17 dwelling units will not increase the risk of explosion or release of hazardous substances. The routine implementation of the Police and Fire impact fee will insure that the project will not interfere with emergency response plans in the area. Nitrate levels and petroleum by-products are expected to increase in storm water run-off from the site; however, the routine implementation of the City of Lodi's Plans and Specifications for drainage facilities will reduce the potential health hazard to a less than significant level. Development of the proposed project eliminates a vacant lot that would typically have weeds that increase fire hazards.

Discussion of Noise Finding

No Impact: (a, b)

These 17 homes of this project will incrementally increase the ambient noise level in the general area; however, this impact will be less than significant. The short-term noise impacts associated with the construction phase of the project will be mitigated through the routine implementation of the City's Noise Ordinance, which restricts construction between the hours of 10 p.m. and 7 a.m. The project site is in close proximity to Highway 12 with traffic that generates far more noise than the homes, and rears to the back/loading area of the Lowe's building itself. This subdivision map will not increase existing noise levels. Single-family residences and duplexes are not typically known as generators of a significant amount of noise. The people living in this future development will be protected from noise generated by the Shopping Center by an existing 8-foot tall decorative masonry block wall. Construction of the wall was a standard design requirement of the City for a commercial development rearing a residential zone. The wall should reduce noise from the adjacent shopping center to a less than significant level. Noise from Highway 12 will be reduced as anticipated development west of Westgate Drive takes place.

Discussion of Public Services Finding

No Impact: (a, b, c, d, e)

The routine implementation of City of Lodi ordinances regarding the construction and/or payment of appropriate facilities and impact fees will insure that adequate public services are available at the time of occupancy.

Discussion of Utilities and Service Systems Finding

No Impact: (a, b, c, d, e, f, g)

All utilities are present in Westgate Drive with existing urban land uses taking place immediately to the east of the proposed site. Pacific Gas and Electric provides gas in the area; Pacific Bell supplies communications; Comcast provides cable television while the City of Lodi provides all other utility services either directly or through contractual services. Therefore, no substantial alterations to utility systems will be required as a result of this project.

Discussion of Aesthetics Finding

No Impact: (a, b)

The project site is located approximately 350 feet north of State Highway 12, which is not classified as a scenic highway. The general view towards the west is agricultural with Mount Diablo in the background; existing urban land uses to the east and north, and urban/agricultural towards the south. Thus, no impacts to scenic vistas are expected as a result of the project. The routine implementation of the Uniform Building Code and adopted City of Lodi policies will insure that the project will not have a demonstrable negative aesthetic effect on the area.

Less than Significant Impact: (c)

The project will create new light as related to streetlights and household night lighting. Generally neither street lights or household lights spill onto adjacent properties but they will incrementally degrade night sky conditions. This impact; however, is expected to be less than significant in that street lights will be installed in accordance with City of Lodi standards. Further lessening the lighting impact is the context in which the new light will be introduced. The expected household lights will not exceed light produced by the existing streetlights of Westgate Drive and the adjacent shopping center. Therefore, impacts created by new lighting from the homes will be less than significant.

Discussion of Cultural Resources Finding

No Impact: (a, b, c, d)

Based on available information, it has been determined that no known paleontological or archaeological resources exist on site. There are no unique geologic conditions on site that would suggest an impact to cultural values or religious or sacred uses that may have occurred on the site. If buried resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are inadvertently discovered during ground disturbing activities, the routine implementation of City of Lodi standard policy will mitigate impacts to cultural resources to a level less than significant. This standard policy requires that work stop in the immediate area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find. If necessary, the archaeologist will develop appropriate treatment measures in consultation with the City of Lodi Public Works Department, State Office of Historic Preservation, and other appropriate agencies. If human remains of Native American origin are discovered during project construction, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (NAHC) (Public Resources Code, Section 5097). If any human remains are discovered or recognized in any location other than a dedicated

cemetery, there will be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

- 1. The San Joaquin County Coroner has been informed and has determined that no investigation of the cause of death is required; and
- 2. If the remains are of Native American origin:
 - a. The descendents of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code, Section 5097.98; or
 - b. NAHC was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours of being notified by the NAHC.

According to California Health and Safety Code, six or more human burials at one location constitute a cemetery (Section 8100), and disturbance of Native American cemeteries is a felony (Section 7052). Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner van determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact NAHC. No human remains are known to be located within the project site.

Discussion of Recreation Finding

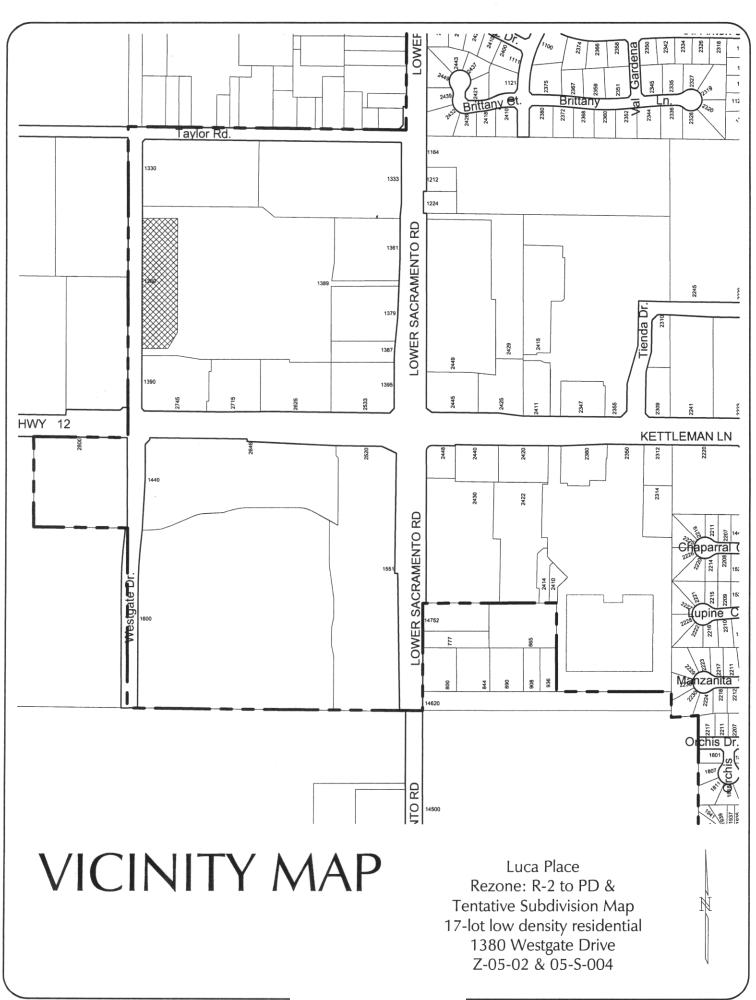
No Impact: (a, b)

The routine implementation of the City of Lodi impact fee program will insure that the increased demand for recreational facilities is met. The project area is within the Westside Facilities Plan Area that determined park resources needed to serve the development of the plan area. Recreational resources identified in the area include an aquatics center, park and trail buffer area to the north and west. The proposed subdivision map is consistent with this plan and development of the site is part of the financing mechanism for constructing the needed facilities in the area. Therefore, no impacts to recreational opportunities are expected as a result of this project.

DETERMINATION:

On the basis of this initial evaluation:

| Ø | I find that the proposed project COULD NOT a NEGATIVE declaration will be prepared. | have a significant effect on the environment, and |
|------|--|---|
| | I find that although the proposed project could there will not be a significant effect in this case an attached sheet have been added to the proje prepared. | because the mitigation measures described on |
| | I find that the proposed project MAY have a si ENVIRONMENTAL IMPACT REPORT is red | , |
| | | , |
| | I find that although the proposed project could there WILL NOT be a significant effect in this have been analyzed adequately in an earlier EI have been avoided or mitigated pursuant to tha measures that are imposed upon the proposed | case because all potentially significant effects (a) R pursuant to applicable standards, and (b) t earlier EIR, including revisions or mitigation |
| Sign | nature: | Date: |
| Pri | nted Name: Mark Meissner | For: City of Lodi |



LODI PLANNING COMMISSION REGULAR COMMISSION MEETING CARNEGIE FORUM, 305 WEST PINE STREET WEDNESDAY, SEPTEMBER 28, 2005

1. CALL TO ORDER / ROLL CALL

The Regular Planning Commission meeting of September 28, 2005, was called to order by Chair Aguirre at 7:00 p.m.

Present: Planning Commissioners - Cummins, Haugan, Kuehne, Moran, White, and

Chair Aguirre

Absent: Planning Commissioners - Heinitz

Also Present: Community Development Director Randy Hatch, Associate Planner Mark

Meissner, Deputy City Attorney Janice Magdich, and

Administrative Secretary Kari Chadwick

2. MINUTES

a) "March 23, 2005" and "April 13, 2005"

MOTION / VOTE:

The Planning Commission, on motion of Chair Haugan, Moran second, approved the minutes of March 23, 2005, as written.

The Planning Commission, on motion of Commissioner White, Moran second, approved the minutes of April 13, 2005, as written.

Randy Hatch, Community Development Director, introduced himself and stated he would be happy to accept questions after the meeting.

3. PUBLIC HEARINGS

a) Notice thereof having been published according to law, an affidavit of which publication is on file in the Community Development Department, Chair Aguirre called for the public hearing to consider The requests of John Costamagna for the Planning Commission's approval of Luca Place, a 17-lot low density residential Vesting Tentative Subdivision Map at 1380 Westgate Drive, and a recommendation to the City Council to approve a Rezone of the property from R-2, Residential Single Family to PD(37), Planned Development, and certify Negative Declaration ND-05-04 as adequate environmental documentation

Mark Meissner, Associate Planner, reported that the project is located at 1380 Westgate Drive, between Taylor Road, Kettleman Lane and directly behind the new Lowe's Store. The Public Hearing contains three parts; the first is the Vesting Tentative Map, the second is the Re-zone and the third is the approval of the Negative Declaration. The development plan that has already been approved has been changed slightly. The culde-sac does not meet the desired look or access that Public Works or Planning would like and staff will be working with the contractor to get it right. The zone change is primarily to allow the zero lot lines for the half-plexes. Staff finds that the homes fit on the lots with the necessary set backs. The Negative Declaration is in the report and staff finds that the proposed development will not have a substantial impact on the environment. At the request of the project engineer the Resolution has been revised to add a condition allowing no less than a five foot set back from the disabled access ramp at the north west corner of lot one. Staff recommends approval conditional to the resolutions.

Hearing Opened to the Public

 John Costamagna, Acampo, Mr. Meissner's report was accurate and the new plan was meant to bring in lower income housing. He looks forward to working with staff.

Continued

Mr. Costamagna researched the impact of noise that Lowe's might have on the surrounding area and found it to be minimal. (Handed out information brought by Mr. Costamagna).

In response to Commissioner Moran, Mr. Costamagna stated he was not opposed to working with staff on the cul-de-sac revisions.

Steve Pechin, Baumbach and Piazza, stated that he was concerned about the corner cut off on lot one and asked to have the revision reread. After talking with Wally Sandelin, City Engineer, and Mr. Meissner about his concerns regarding the off street parking he is confident that the parking issue will be resolved with the change to the cul-de-sac design. He is requesting the Commission to approve this request.

In response to Vice Chair Kuehne, Mr. Pechin stated that there would be more room in the cul-de-sac for parking. Mr. Meissner worked on the overhead to show what it would actually look like.

Ann Cerney, 900 W. Vine St, Lodi, stated that she had no problem with this subdivision. This is the first developer to address the affordable housing issue. She had a question regarding the Vintners square Project and Mr. Hatch was able to answer to her satisfaction. Mr. Meissner also stated that the project was approved as a Growth Management Plan by the Commission on October 13, 2004.

Public Portion of Hearing Closed

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Moran, Haugan second, to approve the request of John Costamagna for the Planning Commission's approval of Luca Place, a 17-lot low density residential Vesting Tentative Subdivision Map at 1380 Westgate Drive subject to the attached resolution. The motion carried by the following vote:

Ayes: Commissioners - Cummins, Haugan, Kuehne, Moran, White and Chair Aguirre

Noes: Commissioners – None Abstain: Commissioners – None

MOTION / VOTE:

The Planning Commission, on motion of Commissioner Moran, Haugan second to approve the recommendation for approval of the request of John Costamagna for rezoning Z-05-02 to the Lodi City Council. The motion carried by the following vote:

Ayes: Commissioners – Cummins, Haugan, Kuehne, Moran, White and Chair Aguirre

Noes: Commissioners – None Abstain: Commissioners – None

4. PLANNING MATTERS

None

ANNOUNCEMENTS AND CORRESPONDENCE

None

6. ACTIONS OF THE CITY COUNCIL

Continued

None

7. ACTIONS OF THE SITE PLAN AND ARCHITECTURAL REVIEW COMMITTEE

None

8. <u>UPDATE ON COMMUNITY SEPARATOR/GREENBELT TASK FORCE</u>

Commissioner Moran reported that the Task Force will be Meeting on October 4, 2005.

COMMENTS / DISCUSSION

In response to Commissioner Haugan, Mr. Hatch stated that the Velvet Grill did appeal and a resolution of denial will be brought back to the Planning Commission for a vote.

9. <u>COMMENTS BY THE PUBLIC</u>

None

10. <u>ADJOURNMENT</u>

There being no further business to come before the Planning Commission, the meeting was adjourned at 7:41p.m.

ATTEST:

Randy Hatch Community Development Director

RESOLUTION NO. 2005-

A RESOLUTION OF THE LODI CITY COUNCIL ADOPTING THE NEGATIVE DECLARATION (ND-05-04) AS ADEQUATE ENVIRONMENTAL DOCUMENTATION FOR THE REZONE OF PROPERTY LOCATED AT 1380 WESTGATE DRIVE (APN:027-420-09)

WHEREAS, public hearings were held by the Planning Commission and City Council on September 28, 2005 and November 2, 2005, respectively, on the following described Rezone, and these bodies reviewed and considered the appropriate documents regarding the potential environmental effects of the proposal, including any comments received whether orally or in writing:

Rezone of 2.18 acres located at 1380 Westgate Drive (APN 027-420-09) from R-2, Residential Single Family to PD(37), Planned Development Number 37, as shown on Exhibit "A" attached, which is on file in the office of the City Clerk (File Nos. Z-05-02, 05-S-004, John Costamagna, Applicant).

WHEREAS, a Negative Declaration (ND-05-04) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder and circulated for comment, and at the end of the 20-day review period, no significant environmental effects of the project were identified. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in its Resolution No. P.C. 05-31; and

WHEREAS, it is the Planning Commission's recommendation that City Council approve its finding that the Negative Declaration is adequate environmental documentation.

WHEREAS, the information and evaluation contained in the Initial Study reflects the City of Lodi's independent judgment and analysis.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council based upon the evidence within the staff report, Initial Study, and project file hereby adopts the Negative Declaration as adequate environmental documentation for the rezone of 1380 Westgate Drive (APN 027-420-09).

| Dated: | November 2, 2005 | | |
|--------|------------------|--|--|
| | ========== | | |

I hereby certify that Resolution No. 2005-____ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 2, 2005, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

SUSAN J. BLACKSTON City Clerk

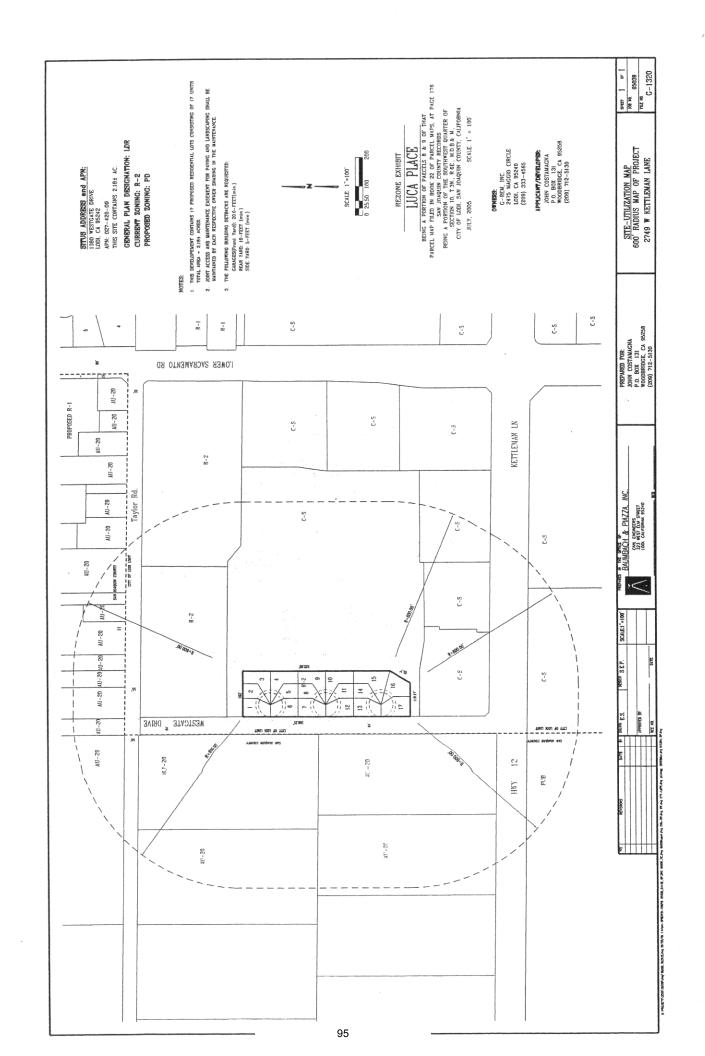
2005-

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI AND THEREBY REZONING 1380 WESTGATE DRIVE (APN 027-420-09) FROM R-2, RESIDENTIAL SINGLE FAMILY TO PD(37), PLANNED DEVELOPMENT NUMBER 37, FOR LUCA PLACE

BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

- <u>Section 1</u>. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:
 - 2.18 acres located at 1380 Westgate Drive (APN 027-420-09) are hereby rezoned from R-2, Residential Single Family to PD(37), Planned Development Number 37, as shown on Exhibit "A" attached, which is on file in the office of the City Clerk. (File No. Z-05-02, John Costamagna, Applicant).
- <u>Section 2.</u> The Planning Commission adopted Resolution No. P.C. 05-31 recommending approval of this request for a rezone at its meeting of September 28, 2005, following a duly held public hearing at which appropriate documents and any comments received were reviewed and considered.
- <u>Section 3.</u> A Negative Declaration (ND-05-04) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in their Resolution No. P.C. 05-31.
- <u>Section 4 No Mandatory Duty of Care.</u> This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.
- <u>Section 5 Severability</u>. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.
- <u>Section 6</u>. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Council of this City after duly noticed public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto at which the City Council reviewed and considered the appropriate documents and any comments received, whether orally or in writing.
- <u>Section 7</u>. The City Council has reviewed and considered the Negative Declaration for this project and has adopted same before consideration of this Ordinance.
- <u>Section 8</u>. The City Council based on the evidence within the staff report and project file find as follows:
 - 1) that the rezone to PD(37) will not adversely affect surrounding properties.

| 2) policies and s | | ne to PD(37) is consiste is no applicable spec | stent with the Lodi General Plan diagram, ific plan for the area. |
|-------------------------------|------------------------------------|--|---|
| 3) vegetative hab | • | erty, with a PD(37) zone | e, will have no adverse effect on wildlife and |
| Section 9. such conflict r | | s and parts of ordinance | es in conflict herewith are repealed insofar as |
| newspaper of | general circula | | ne time in the "Lodi News-Sentinel," a daily hed in the City of Lodi and shall be in force and approval. |
| | | Approve | ed thisday of, 2005. |
| Attest: | | JOHN E Mayor | BECKMAN |
| SUSAN J. BLA | ACKSTON | | |
| State of Califo | | | |
| was introduce 2005, and wa | ed at a regular as thereafter p | meeting of the City Co | i, do hereby certify that Ordinance Noouncil of the City of Lodi held November 2, dered to print at a regular meeting of said |
| | AYES: | COUNCIL MEMBERS - | |
| | NOES: | COUNCIL MEMBERS - | |
| | ABSENT: | COUNCIL MEMBERS - | |
| | ABSTAIN: | COUNCIL MEMBERS - | |
| | | e No was approv been published pursuan | ed and signed by the Mayor on the date of its to law. |
| Approved as t | o Form: | | SUSAN J. BLACKSTON City Clerk |
| D. STEPHEN City Attorney | SCHWABAUE | R | |



PROOF OF PUBLICATION

(2015.5 C.C.C.P.)

STATE OF CALIFORNIA

County of San Joaquin

I am a citizen of the United States and a resident of the County aforesaid: I am over the age of eighteen years and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the Lodi News-Sentinel, a newspaper of general circulation, printed and published daily except Sundays and holidays, in the City of Lodi, California, County of San Joaquin and which newspaper had been adjudicated a newspaper of general circulation by the Superior Court, Department 3, of the County of San Joaquin, State of California, under the date of May 26th, 1953. Case Number 65990; that the notice of which the annexed is a printed copy (set in type not smaller than non-pareil) has been published in each regular and entire issue of said newspaper and not in any supplement thereto on the following dates to-wit:

October 22nd

all in the year 2005.

October, 2005

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Dated at Lodi, California, this 22nd day of

Signature

This space is for the County Clerk's Filing Stamp

Proof of Publication of

Special Notice of Public Hearing for November 2,2005

Request Of John Costmagna for a Rezone from R-2

Residnetial Single Family

NOTICE OF PUBLIC HEARING
NOTICE IS HEREBY GIVEN that

on Wednesday, November 2, 2005 at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Camegie Forum, 305 West Pine Street, Lodi, to consider the

following matter:

a) Consider the Planning Commission's recommendation of approval of the request of John Costamagna for a Rezone from R-2; Residential Single Family, to PD(37), Planned Development Number 37 for "Luca Place" a 17-tot low density single-family residential subdivision located at 1380 Westgate Drive, and approve Negative Declaration ND-05-04 as adequate environmental documentation for the project.

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the close of the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

By Order of the Lodi City Council:

Susan J. Blackston

Dated: October 19, 2005

Approved as to form:

D. Stephen Schwabauer City Attorney October 22, 2005 – 08502353

8502353



DECLARATION OF POSTING

PUBLIC HEARING FOR NOVEMBER 2, 2005, CONSIDER THE PLANNING COMMISSIONS'S RECOMMENDATION OF APPROVAL OF THE REQUEST OF JOHN COSTAMAGNA FOR A REZONE FROM R-2, RESIDENTIAL SINGLE FAMILY TO PD(37), PLANNED DEVELOPMENT NUMBER 37 FOR "LUCA PLACE" A 17-LOT LOW DENSITY SINGLE-FAMILY RESIDENTIAL SUBDIVISION LOCATED AT 1380 WESTGATE DRIVE, AND APPROVE NEGATIVE DECLARATION ND-05-04 AS ADEQUATE ENVIRONMENTAL DOCUMENTATION FOR THE PROJECT.

On Friday, November 2, 2005, in the City of Lodi, San Joaquin County, California, a notice of public hearing to Consider the Planning Commission's recommendation of approval of the request of John Costamagna for a Rezone from R-2, Residential Single Family to PD(37), Planned Development Number 37 for "Luca Place" a 17-lot low density single-family residential subdivision located at 1380 Westgate Drive, and approve Negative Declaration ND-05-04 as adequate environmental documentation for the project.

Lodi Public Library Lodi City Clerk's Office Lodi City Hall Lobby Lodi Carnegie Forum

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20, 2005, at Lodi, California.

ORDERED BY:

SUSAN J. BLACKSTON CITY CLERK

JENNIFER M. PERRIN, CMC DEPUTY CITY CLERK JACQUELINE L. TAYLOR, CMC DEPUTY CITY CLERK

DANA R. CHAPMAN / ADMINISTRATIVE CLERK



CITY OF LODI

Carnegie Forum 305 West Pine Street, Lodi

NOTICE OF PUBLIC HEARING

Date: November 2, 2005

Time: 7:00 p.m.

For information regarding this notice please contact:

Susan J. Blackston City Clerk Telephone: (209) 333-6702

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday**, **November 2**, **2005** at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, the City Council will conduct a public hearing at the Carnegie Forum, 305 West Pine Street, Lodi, to consider the following matter:

a) Consider the Planning Commission's recommendation of approval of the request of John Costamagna for a Rezone from R-2, Residential Single Family to PD(37), Planned Development Number 37 for "Luca Place" a 17-lot low density single-family residential subdivision located at 1380 Westgate Drive, and approve Negative Declaration ND-05-04 as adequate environmental documentation for the project.

Information regarding this item may be obtained in the office of the Community Development Department, 221 West Pine Street, Lodi, California. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the close of the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 221 West Pine Street, at or prior to the close of the public hearing.

Sleet

By Order of the Lodi City Council:

Susan J. Blackston City Clerk

Dated: October 19,2005.

Approved as to form:

D. Stephen Schwabauer City Attorney



DECLARATION OF MAILING

PUBLIC HEARING FOR NOVEMBER 2, 2005, CONSIDER THE PLANNING COMMISSIONS'S RECOMMENDATION OF APPROVAL OF THE REQUEST OF JOHN COSTAMAGNA FOR A REZONE FROM R-2, RESIDENTIAL SINGLE FAMILY TO PD(37), PLANNED DEVELOPMENT NUMBER 37 FOR "LUCA PLACE" A 17-LOT LOW DENSITY SINGLE-FAMILY RESIDENTIAL SUBDIVISION LOCATED AT 1380 WESTGATE DRIVE, AND APPROVE NEGATIVE DECLARATION ND-05-04 AS ADEQUATE ENVIRONMENTAL DOCUMENTATION FOR THE PROJECT.

On October 21, 2005, in the City of Lodi, San Joaquin County, California, I deposited in the United States mail, envelopes with first-class postage prepaid thereon, containing a to Consider the Planning Commission's recommendation of approval of the request of John Costamagna for a Rezone from R-2, Residential Single Family to PD(37), Planned Development Number 37 for "Luca Place" a 17-lot low density single-family residential subdivision located at 1380 Westgate Drive, and approve Negative Declaration ND-05-04 as adequate environmental documentation for the project. marked Exhibit "A"; said envelopes were addressed as is more particularly shown on Exhibit "B" attached hereto.

There is a regular daily communication by mail between the City of Lodi, California, and the places to which said envelopes were addressed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on October 20, 2005, at Lodi, California.

ORDERED BY:

SUSAN BLACKSTON CITY CLERK, CITY OF LODI

ORDERED BY:

JENNIFER M. PERRIN, CMC DEPUTY CITY CLERK

DANA R. CHAPMAN ADMINISTRATIVE CLERK

JACQUELINE L. TAYLOR, CMC DEPUTY CITY CLERK

NOTICE OF PUBLIC HEARING

LODI CITY COUNCIL 221 W. PINE STREET, LODI, 95240 --TELEPHONE 333-6702

DATE:

Wednesday, November 2, 2005

TIME:

7:00 p.m., or as soon thereafter as the matter can be heard

PLACE:

Carnegie Forum, 305 West Pine Street, Lodi

SUBJECT:

To consider the Planning Commission's recommendation of approval of the request of John Costamagna for a Rezone from R-2, Residential Single Family to PD (37), Planned Development Number 37 for "Luca Place" a 17-lot low density single-family residential subdivision located at 1380 Westgate Drive, and approve Negative Declaration ND-05-04 as adequate environmental documentation for the project.

(SEE REVERSE SIDE FOR MAP)

INFORMATION REGARDING THIS MATTER MAY BE OBTAINED IN THE OFFICE OF THE COMMUNITY DEVELOPMENT DEPARTMENT, 221 W. PINE ST., LODI.

WRITTEN STATEMENTS MAY BE FILED WITH THE CITY CLERK, 221 W. PINE ST., 2ND FLOOR, LODI, AT ANY TIME PRIOR TO THE HEARING SCHEDULED HEREIN, AND ORAL STATEMENTS MAY BE MADE AT SAID HEARING.

ALL PROCEEDINGS BEFORE THE CITY COUNCIL ARE CONDUCTED IN ENGLISH. THE CITY OF LODI DOES NOT FURNISH INTERPRETERS, AND, IF ONE IS NEEDED, IT SHALL BE THE RESPONSIBILITY OF THE PERSON NEEDING ONE.

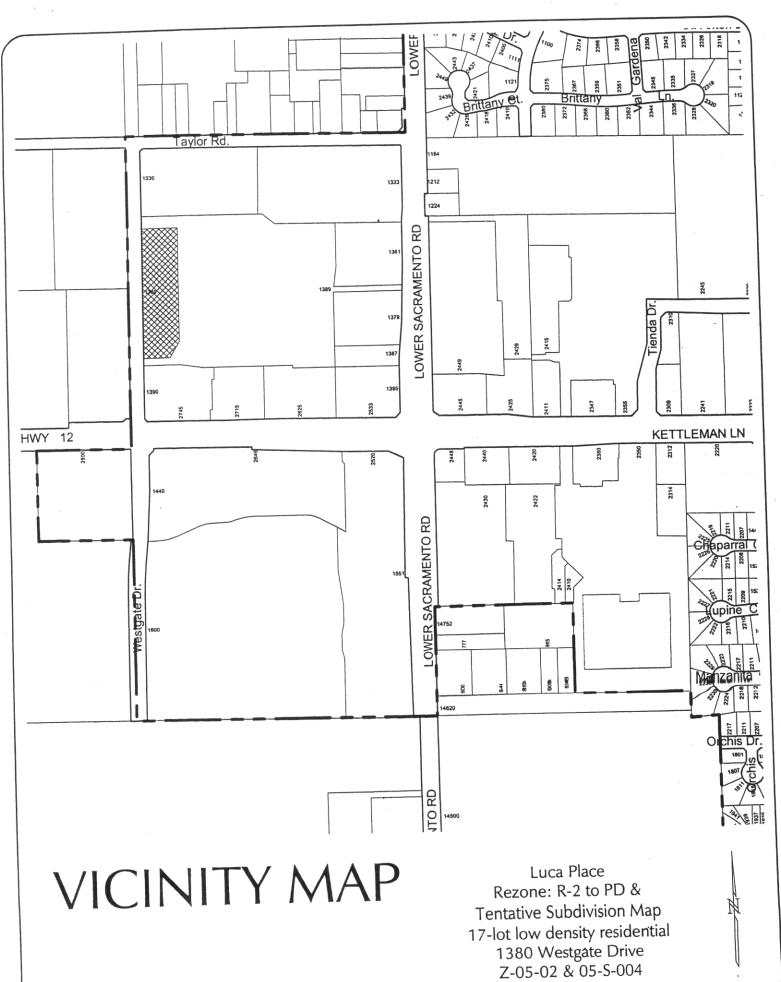
ANYONE WISHING TO BE HEARD ON THE ISSUE MAY APPEAR BEFORE THE CITY COUNCIL AT THE TIME OF THE PUBLIC HEARING. IT DESERVES TO BE NOTED THAT THE LEGAL REQUIREMENT OF PUBLIC NOTICE DOES NOT GUARANTEE NOTICE TO ALL PERSONS RESIDING IN OR OTHERWISE USING PROPERTY IN THE GENERAL VICINITY OF THE PROPERTY IN QUESTION. ACCORDINGLY, EACH RESIDENT OF THIS NOTICE IS RESPECTFULLY REQUESTED TO BRING THIS NOTICE PROMPTLY TO THE ATTENTION OF ANY OTHER PERSON OR PERSONS WHOM THE RECIPIENT FEELS MAY BE INTERESTED IN OR AFFECTED BY THIS PROPOSAL IN ORDER THAT ALL PERSONS MAY BE GIVEN AN OPPORTUNITY TO BE HEARD ON THE ISSUE.

IF YOU CHALLENGE THE PROPOSED ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY CLERK/CITY COUNCIL AT, OR PRIOR TO, THE PUBLIC HEARING.

Date Mailed: October 20, 2005

SUSAN J. BLACKSTON

CITY CLERK OF THE CITY OF LODI



COSTAMAGNA 05-S-004

APN; OWNER; ADDRESS; CITY; STATE; ZIP; SITUSNUM; SITUSDIR; SITUSSTNAME; SITUSTYP E

02705020; HEDRICK, LAMAR A & JOANN A TR; 209 E HWY 12; LODI; CA; 95242; 291; E; ST RT 12; HY

05803010; LODI CITY OF; PO BOX 3006; LODI; CA; 95241; 2800; W; KETTLEMAN; LN

02705021; GEWEKE FAMILY LTD PTP; 2475 MAGGIO CIR; LODI; CA; 95240; 341; E; ST RT 12; HY

02742001; GEWEKE FAMILY PTP; PO BOX 1210; LODI; CA; 95241; 2749; W; KETTLEMAN; LN

05803009; REICHMUTH, CAROLYN HINES; 1358 MIDVALE RD; LODI; CA; 95240; 252; E; ST RT 12; HY

John Costamera 1351 E. Pine St., Lodi 95240 9 P.O. Box 131, Lodi, 95241



AGENDA TITLE: Appointment to the Lodi Animal Shelter Task Force

MEETING DATE: November 2, 2005

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council, by motion action, concur with the Mayor's

recommended appointment to the Lodi Animal Shelter Task Force.

BACKGROUND INFORMATION: As indicated below, the City Clerk's Office was directed to post for

the vacancy on the Lodi Animal Shelter Task Force. It is recommended that the City Council concur with the following

appointment.

Lodi Animal Shelter Task Force

Hazel Jackson Unspecified term limit (posting of vacancy ordered on 9/7/05)

NOTE: Three applicants (one new application and two applications on file); published in Lodi News-Sentinel 9/10/05; application deadline 10/10/05

| FISCAL IMPACT: | None. | | |
|--------------------|----------------|----------------------------------|--|
| FUNDING AVAILABLE: | None required. | | |
| | | | |
| | | Susan J. Blackston City Clerk | |

SJB/JMP

APPROVED: ______

Blair King, City Manager



AGENDA TITLE: Post for Expiring Terms on the Lodi Senior Citizens Commission, the San Joaquin

County Mosquito & Vector Control District, and the Site Plan and Architectural

Review Committee

MEETING DATE: November 2, 2005

PREPARED BY: City Clerk

RECOMMENDED ACTION: That Council, by motion action, direct the City Clerk to post for

expiring terms on the Lodi Senior Citizens Commission, the San Joaquin County Mosquito & Vector Control District, and the Site

Plan and Architectural Review Committee.

BACKGROUND INFORMATION: Several terms are due to expire shortly on various boards and

commissions. It is, therefore, recommended that the City Council

direct the City Clerk to post for the expiring terms below.

Lodi Senior Citizens Commission

Winona Ellwein Term to expire December 31, 2005 Phyllis Rabusin Term to expire December 31, 2005

San Joaquin County Mosquito & Vector Control District

Jack Fiori Term to expire December 31, 2005

Site Plan and Architectural Review Committee

Mitchell Slater January 1, 2006

State statute requires that the City Clerk post for vacancies to allow citizens interested in serving to submit an application. The City Council is requested to direct the City Clerk to make the necessary postings.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston

City Clerk

SJB/JMP

| APPROVED: | | |
|-----------|--------------------------|--|
| | Blair King, City Manager | |

council/councom/Posting1.doc



AGENDA TITLE: Adopt resolution approving the Americans with Disabilities Act Transition Plan and

formulate a method to seek broad input for the purpose of obtaining community

consensus regarding future use and improvements for the Grape Bowl

MEETING DATE: November 2, 2005

PREPARED BY: Community Development Director

RECOMMENDED ACTION: That the City Council adopt the resolution approving the attached

ADA Transition Plan and formulate a method to seek broad input

regarding future use and improvements for the Grape Bowl.

BACKGROUND INFORMATION: The Americans with Disabilities Act (ADA) is a federal law that was adopted in 1990. The ADA requires public agencies, including cities, to perform a self evaluation of facilities to determine what is necessary to achieve program accessibility. Although many improvements and projects have been completed, the City Council has not approved an ADA Transition Plan. Because of the complexity and magnitude of bringing the Grape Bowl into compliance, it is recommended that the Council seek a broad range of community input via a special Ad Hoc Committee, the services of the Parks and Recreation Commission and/or other city advisory board, or any combination thereof. The Parks and Recreation Commission has requested that a special Ad Hoc Committee be formed under the Parks and Recreation Commission. All committee appointees will be subject to Council approval.

FISCAL IMPACT: The transition plan reflects projects that are already approved under the 05/06 budget or that will have to be determined in future budget years.

| FUNDING AVAILABLE: | There are CDBG funds and State Grants available for some projects while |
|-----------------------------|---|
| others such as the Grape Bo | wl are yet to be determined. |

| | James R. Krue | eger, Finance Director | |
|----------------------|---------------|---|---|
| RH/jh Attachments | | Randy Hatch Community Development Director | _ |
| | | | |
| | APPROVED: | Blair King, City Manager | |

RESOLUTION NO. 2005-____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE AMERICANS WITH DISABILITIES ACT TRANSITION PLAN, INCLUDING THE FORMATION OF A SPECIAL AD HOC COMMITTEE FOR THE GRAPE BOWL

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the Americans with Disabilities Act Transition Plan, attached as Exhibit A; and

BE IT FURTHER RESOLVED, that the Lodi City Council further approves the formation of a special Ad Hoc Committee to formulate options for future City Council determinations regarding the Grape Bowl.

| Dated: | November 2, 2005 | |
|--------|--|-------------------------------|
| ===== | ======================================= | |
| | I hereby certify that Resolution No. 2005- | was passed and adopted by the |

Lodi City Council in a regular meeting held November 2, 2005 by the following vote:

AYES: COUNCIL MEMBERS -

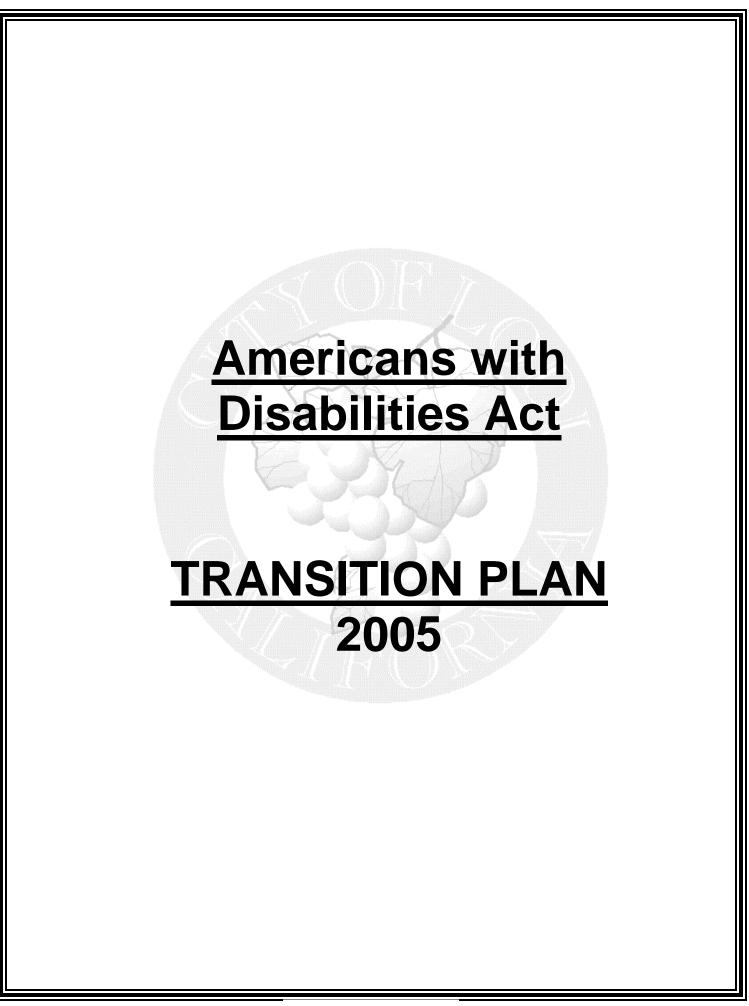
NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

SUSAN J. BLACKSTON City Clerk

2005-____



Transition Plan

Background

The Americans with Disabilities Act (ADA) is a federal law and was adopted in 1990. The ADA required Public Agencies including Cities to perform a self-evaluation of facilities and programs to determine what needed to be done to achieve program accessibility. Based on this evaluation, the public agency had to develop a transition plan for those barrier removal projects that would require more than a year to remove. ADA required as a minimum that the transition plan include the following:

- 1) List the physical barriers
- 2) Detail methods to remove the barriers
- 3) Provide a schedule
- 4) Name the official responsible for the plans' implementation.

This plan had to be completed by July 26, 1992. Any structural modifications had to be completed by July 26, 1995.

To comply with ADA and meet these deadlines, the City of Lodi, in 1992, established an ADA committee comprised of representatives from Public Works, Police, Fire, City Manager's office, Human Resources, Parks & Recreation, and Building Inspection with the Director of the Community Development Department as the chairperson. The City completed a very through self-evaluation of structural barriers, however, a Transitional Plan was not approved by the City Council. Notwithstanding, many of the barriers noted in the evaluation have been corrected and are listed in Appendix 1 of this plan.

In August of 2004, it was brought to the attention of City staff by a member of the disabled community that some City facilities were not in compliance. Immediately after this disclosure, the City reinstated the ADA committee with the same Department representation as in 1992. The committee has since added a member of the disabled community and City Attorney's Office. The first task was to complete another self-evaluation to determine what barriers remained. This was completed by each of the various departments in January of 2005. The departments used a checklist using the ADA Accessibility Guidelines (ADAAG) and the California Building Code (CBC).

The focus of the committee gave priority to correcting or improving the accessibility to facilities open to large numbers of the general public. Although ADA has no requirements for periodic assessment and gives Cities some latitude for program accessibility, the recommendation of the Committee was to be compliant with current disabled access regulations. Furthermore, the committee recommends a schedule and method of compliance by maintaining an updated transition plan that will satisfy current ADA guidelines and California Building Code requirements.

The committee has prepared this plan to reflect the City's desire to continue to provide a realistic approach to bringing its facilities into compliance. The plan lists the most significant and visible barriers to the disabled community, details the method of compliance with ADAAG and CBC, provides a schedule for completion, and the name(s) of the official(s) responsible for the plans implementation.

The name of the official(s) responsible for the plan's implementation:

Randy Hatch, Community Development Director

Jerry Herzick, Building Official

10/12/2005

Transition Plan

Barrier Identification and Removal Schedule

The following is a list of significant physical barriers for the disabled community that were identified during the survey of all City Facilities completed in February, 2005 or that were brought to the staff's attention by the disabled community.

The following are scheduled to be completed in 2005:

1. Elm Street parking lot accessible parking stalls

Work has begun; estimated completion date is December, 2005.

2. Carnegie Forum accessible parking stalls

Work has begun; estimated completion date is December, 2005.

3. City Website

Redesigning of website is in process allowing utilization of adaptable reading devices; estimated completion date is December, 2005.

The following will require one year or more to complete:

1. Accessible parking stalls located in the right of way in front of Lodi Stadium 12 Cinemas (north side of Elm St.).

Plans will be prepared by Public Works to correct the curb ramps, install a van accessible stall and detail the proper signage. Request to be made in 06/07 budget with an estimated completion 07/08.

2. North entrance of Hutchins Street Square

Plans are being prepared to change the grade elevation to correct the ramp slope and parking areas. Request to be made in 06/07 budget with an estimated completion 07/08.

3. Library front entrance

Provide a level compliant landing, parking and path of travel. These corrections will be completed by September, 2006.

4. City owned parking lots

The attached appendix #2 lists each lot and the recommended corrections.

5. City sidewalks and curb ramps

The City has an ongoing sidewalk repair program. The Public Works Dept. has annually obtained CDBG funds for ramps and installations.

The City has been installing curb ramps for decades and sidewalks were surveyed in 1993 for lack of curb ramps. At that time, there were approximately 1,450 curb returns lacking ramps. This figure did not include older ramps that might not be compliant with current standards or other locations that may have an access barrier such as a narrow walkway due to an obstruction such as a pole, landscaping, sidewalk defects or curbs much like an alley approach, etc.

The City has been installing new ramps under a number of circumstances, including, new roadway construction or reconstruction, some maintenance projects and under specific projects such as the Community Development Block Grant program (CDBG). The Public Works Department has routinely obtained CDBG funds for ramp installations and the current grant is \$150,000. While the amount of funds needed for any particular location will vary depending on such factors as pole relocations and drainage inlets, this amount of funding would cover approximately 15 curb returns.

The City inspects sidewalks on a 3 year cycle with the last completed in 2004. However, past surveys have not addressed all ADA compliance issues, such as, obstructions from poles, overhanging shrubbery, etc. These issues will be addressed in the next survey in 2007 or earlier if staff becomes available.

6. Assistive listening devices for Carnegie Forum and Hutchins Street Square Theater

Provide assistive listening devices for individuals with hearing impairments. Request to be made in 06/07 budget with estimated completion of 07/08. Interim measures include individual assistance upon request.

7. City parks

Provide accessible parking stalls, path of travel and repairs. The attached appendix #3 lists each of the parks and the recommended corrections.

8. Fire Stations

<u>Fire Station #1</u>: Not open to the public. No accessibility improvements planned at this time.

<u>Fire Station #2</u>: Defer improvements regarding parking and path of travel until a decision on rehabilitation is made.

<u>Fire Station #3</u>: Provide one van accessible stall at the front entrance on north side of driveway on Ham Ln. This will be requested in the 06/07 budget and estimated completion is 07/08.

Interim measures to provide accessibility will include providing assistance for the persons with disabilities when any of the stations are used as a voter polling place. The front door of fire station #3 will be repaired and provided with lever action hardware, provided with a level landing and signage over the door alarm. These items will be corrected in 2005.

Grape Bowl

The Grape Bowl and all of its facilities including the stadium, concession booths, restrooms, field house, press box, and parking lot is out of compliance.

A report was prepared for The City by the consulting firm ELS Architecture and Urban Design in 2002. This report analyzed the areas of the Grape Bowl that were not ADA compliant and suggested two options. The cost estimate for Option 1 (entry plaza on southwest corner) was \$3.255 million and Option 2 (tunneling new entries at the north and south berms) was \$3.75 million. Based on the increase in The Engineering News Record Construction Cost Index from the date of the ELS estimate of January 2002 to August 2005 of 15.75%, Option 1 has increased to \$3.8 million and Option 2 to \$4.3 million. The report does not address many other areas that have deficiencies such as the field house, some bleacher sections, and playing field. No estimate has been obtained for these improvements.

As an interim measure, the use of portable buildings for restrooms and a concession on the east end of stadium was reviewed. The cost of these improvements was determined to be too great and did not correct the more serious accessibility and exiting issues. Interim measures should be discussed as part of an overall plan as described in Phase I.

Major Deficiencies

- A. The lack of an accessible path of travel and safe exit way. This includes the path of travel from the public right of way and parking lot to all areas of the stadium. There should be an inter-connected path to the bleachers, concession, restrooms, field house and field.
- B. Ramps are too steep and exceed the 1 unit vertical to 12 units horizontal or 8.33% and are not provided with landings and handrails or guardrails.
- C. Cross slopes exceed 2%.
- D. Grade elevations and unpaved or deteriorated asphalt creates tripping hazards and inaccessibility.
- E. Bleachers stairs damaged.
- F. Restrooms dilapidated and not accessible.
- G. Concessions dilapidated and not accessible.
- H. Field House dilapidated and not accessible.

It is the recommendation of the ADA Committee, due to the complexity and magnitude, to divide the project into three phases. During the interim, uses shall not be expanded beyond the current schedule of events. Organizers of these events shall be advised of their responsibility to provide assistance for persons with disabilities as reasonably appropriate for the planned activity.

Phase 1

Explore the opportunities, constraints, and costs associated with upgrading the Grape Bowl. Encourage public input and community involvement in the decision process. The scope of the project should not be limited to only accessibility but improvement based on the desired use. Interim remediation measures should be discussed in this phase. The recommended forum for these discussions is the Parks & Recreation Commission. A Special Ad Hoc Committee shall be formed to obtain community input regarding future use and improvements under the direction of the Parks & Recreation Commission. The Commission shall invite representatives from the School District and other school affiliated organizations to be participating members of the Ad Hoc Committee. All Committee Appointees will be subject to Council approval. The Commission will make a recommendation to the Council. This phase should be completed by June of 2006.

Phase II

Based on the decision from the Council in Phase I, appropriate action shall be taken which may include hiring an architect to prepare plans that reflect the needs and desires of the City and the community pending acceptance of Council. This phase should be completed by the end of 2007/08.

Phase III

Final construction drawings should be completed, construction contracts awarded, and construction beginning in 2008 - 2010.

Advancing to the second and third phase will, of course, be subject to budget constraints, the availability of various funding sources and the involvement of the community.

APPENDIX - 1

Accessibility Improvements Completed Since 1992

| Name of Project | Description | Completion Date |
|-----------------------------|--|-----------------|
| Beckman Park: | | |
| Contractor | - Installation of new walkway from Ham Ln to | 2000 |
| | playground area & restroom facility. | |
| Contractor | - Removed sand playground material & install Fibar | 2000 |
| Diekely Derky | (engineered wood fiber). | |
| Blakely Park: Contractor | Demodeled existing restreem facility to most ADA | 1992 |
| Contractor | Remodeled existing restroom facility to meet ADA requirements. | 1992 |
| Contractor | - Relocated & Retro-Fit work of playground to meet | 1996 |
| Contractor | ADA requirements. | 1000 |
| City Staff | - Constructed accessible group picnic area adjacent | 1996 |
| | to the playground area. | |
| Candy Cane: | | |
| Contractor | Installed a new walkway from Holly drive to | 1997 |
| | playground area, installed new Fibar ground cover | |
| | & retro-fitted existing equipment with a handicap | |
| Ch a m m a m | transfer point to meet ADA. | |
| Chapman Field/Armory Park: | | |
| Contractor | - Installed new accessible bleachers with ramps & | 2002 |
| Contractor | guard railing. | 2002 |
| City Hall: | - All accessible features including ramps, doors, | 1996 |
| | elevator, and parking lot. | |
| Emerson Park: | | |
| Contractor | - Installed a new accessible restroom facility. | 1995 |
| Contractor | - Remodeled "north" playground area – new handicap | 2003 |
| | accessible playground Equipment and installation of | |
| | poured-in-place rubber surfacing to meet ADA | |
| English Cake | requirements. | |
| English Oaks Parks: | - Installed new accessible playground & Fibar ground | 1997 |
| Contractor | cover material to meet ADA. | 1331 |
| Finance Bldg: | COVER INICIONAL TO MICEL ADA. | |
| a | - Installed complying van accessible stall, curb ramp, | 2005 |
| | & signage. | |
| Grape Bowl: | | |
| Consultant | - ADA study of park site. | 2002 |

APPENDIX - 1

Accessibility Improvements Completed Since 1992

| Name of Project | Description | Completion Date |
|-------------------------------|--|-----------------|
| Hale Park: Contractor | Installed new accessible restroom & recreation structure. | 1993 |
| Contractor | Installed new accessible playground equipment & poured-in-place rubber surfacing to meet ADA requirements. | 2005 |
| Henry Glaves Park: | | |
| Contractor Contractor | Installed new accessible playground equipment & Fibar ground cover. | 1994 |
| | Installed a new walkway from Oxford Dr. to playground area & restroom facility also installed new Fibar ground cover to meet ADA. | 2000 |
| Katzakian Park: Contractor | - Constructed new park site with interior walkways, | 2000 |
| | accessible playground equipment with Fibar ground cover and an accessible restroom facility. | |
| Kofu Park: Contractor | - Rehab of main walkway from Ham Lane to | 1993 |
| Contractor | recreation building Installation of accessible ramp & handrails at concession stand location. | 1997 |
| Lawrence Park: | | 1005 |
| Contractor Contractor | Installation of new accessible restroom facility. Installed new handicap accessible playground equipment & poured-in-place surfacing. | 1995 2003 |
| Legion Park: Contractor | - Remodeled playground areas & picnic areas to | 1996 |
| Contractor | meet ADA requirements.Installed new poured-in-place rubber safety material& Fibar ground cover. | 2003 |
| Lodi Lake Park: | | |
| Kiwanis | Installed new accessible playground with Fibar in the Youth Area. | 1992 |
| Contractor | Installed new accessible Decomposed Granite trail in the Wilderness Area. | 1995 |
| Contractor | Installed new accessible playground areas on the south side of Lodi Lake. | 1998 |
| Kiwanis | Installed new accessible picnic area on south side of Lodi Lake. | 1998 |
| Contractor | Installed new accessible fishing dock with walkways & hand rails. | 1999 |
| Contractor | Installed a new walkway from south play area to Kiwanis picnic area. | 2000 |

APPENDIX - 1

Accessibility Improvements Completed Since 1992

| Description | Completion Date |
|--|--|
| - Phase I Bicycle/Accessible Pedestrian Corridor Project (Beach to Mills Ave.) | 2000 |
| Phase II Bicycle/Accessible Pedestrian Corridor Project (Mills Ave. to Woodbridge) | 2003 |
| Installed complying parking stalls & path of travel to office. | 2005 |
| | |
| - Retro-fit work front counter & secretary work areas. | 1996 |
| - Retro-tit work of restrooms. | 1999 |
| - Constructed new park site with interior walkways, | 1997 |
| Installed a new handicap accessible restroom facility. | 2000 |
| - Added two (2) accessible stalls on Elm St. | 2005 |
| | |
| | 2001 2003 |
| Installed new poured-in-place safety surfacing & Fibar ground cover. | |
| - Approximately 400 curb ramps installed. | Ongoing Program |
| | |
| - Installed new accessible bleachers with ramps & | 1999 |
| guara rans. | |
| - Remodeled entire park site. | 1997 |
| | 2005 |
| - Replace sidewalks for plaza accessibility. | 1997 |
| | |
| - Installed an accessible drinking fountain with | 2003 |
| | Phase I Bicycle/Accessible Pedestrian Corridor Project (Beach to Mills Ave.) Phase II Bicycle/Accessible Pedestrian Corridor Project (Mills Ave. to Woodbridge) Installed complying parking stalls & path of travel to office. Retro-fit work front counter & secretary work areas. Retro-fit work of restrooms. Constructed new park site with interior walkways, accessible playground areas. Installed a new handicap accessible restroom facility. Added two (2) accessible stalls on Elm St. Installed new accessible playground equipment. Installed new poured-in-place safety surfacing & Fibar ground cover. Approximately 400 curb ramps installed. Installed new accessible bleachers with ramps & guard rails. Remodeled entire park site. Installed poured-in-place rubber safety surfacing. Replace sidewalks for plaza accessibility. |

APPENDIX – 2 City Parking Lots

| | Project Name | Description | | | | | |
|----|--|--|--|--|--|--|--|
| 1. | City Lot #1: (north side of Walnut St.) | - Accessible parking stalls. Install two stalls – one van accessible at the southeast corner. Estimated completion 2005. | | | | | |
| 2. | City Lot #2: (south side of Oak St.) | - Accessible parking stalls. Install two stalls – one van accessible at Oak St. entrance or at Woolworth building rear entrance. Request to be made in 06/07 budget, estimated completion 07/08. | | | | | |
| 3. | City Lot #3: (north side of Oak St.) | - In substantial compliance. | | | | | |
| 4. | City Lot #4: (south side of Pine St.) | - Accessible parking stalls. Install two stalls – one van accessible at northeast corner with a mid-block curb cut. Request to be made in 06/07 budget, completion 07/08. | | | | | |
| 5. | Maple Square: | Accessible parking stalls and paved path of travel. Recommendation is to declare this as surplus property to be sold. | | | | | |
| 6. | Lodi Station: | - Signage & access aisle too small. Two accessible stalls provided – provide signage and enlarge access aisle. Request to be made in 06/07 budget, completion 07/08. | | | | | |
| 7. | Public Safety (south side of Elm) | - Signage Install signage & paint symbol. 2005 | | | | | |

10/12/2005

APPENDIX – 3 City Parks

| | Project Name | Description |
|----|-------------------------------|--|
| 1. | Beckman | - Restrooms fixtures |
| ٠. | Beckman | The restroom replacement is pending approval of |
| | | State funding. The tentative schedule is 06/07. |
| 2 | Hale Park | - Accessible parking stalls |
| _ | Tailo Tailk | Install a new stall in the southeast corner of the |
| | | parking lot with a curb ramp. Request to be made in |
| | | 06/07 budget, completion 07/08. |
| 3. | Henry Glaves | - Restroom fixtures |
| | | The restroom replacement is pending approval of |
| | | State funding. The tentative schedule is 06/07. |
| 4. | Legion Park | - Restroom accessibility on south side of park from |
| | | the Vine St. entrance. |
| | | The restroom replacement is pending approval of |
| | | State funding. The tentative schedule is 06/07. |
| 5. | Lodi Lake | - Boat house and boat dock |
| | | Install ramps and provide path of travel. 07/08 or |
| | | provide alternative and equivalent access. |
| | | - Discovery Center display area |
| | | Provide adequate aisle space for the disabled. 2005 |
| 6. | Parks & Recreation Annex | - Existing parking stall and path of travel to the |
| | Parking Lot | office |
| | | Provide a 4' path of travel in front of the stall and a |
| | | new sidewalk through the landscaped area to the public sidewalk. Request to be made in 06/07 budget, |
| | | completion 07/08. |
| 7. | Salas Park | - In substantial compliance. |
| ٠. | Oulds I dik | Except repairs to signs, stripping & paving. 05/06 |
| | | budget. |
| 8. | Softball Field – Stockton St. | - Parking stalls and path of travel to the main |
| | | entrance. |
| | | Install a curb ramp and sidewalk to the main entrance. |
| | | Request to be made in 06/07 budget, completion |
| | | 07/08. |
| 9. | Zupo Field | - Ramps to bleacher area. |
| | | Two (2) accessible spaces are currently located at |
| | | field level. Provide a ramped entrance to all bleacher |
| | | areas. Request to be made in 07/08 budget, |
| | | completion 09/10. |



AGENDA TITLE: Adopt Resolution Approving Impact Mitigation Fee Program Annual Report for Fiscal Year 2004/2005 November 2, 2005 **MEETING DATE:** PREPARED BY: **Public Works Director RECOMMENDED ACTION:** That the City Council adopt a resolution approving the Impact Mitigation Fee Program Annual Report for Fiscal Year 2004/2005. BACKGROUND INFORMATION: The City Council adopted the "Final Report, City of Lodi Development Impact Fee Study," prepared by Nolte and Associates and Angus McDonald Associates in 1991, as well as the "Development Impact Fee Update Study," prepared by Harris & Associates in 2001. These actions established and updated the City's Development Impact Fee program. State law requires that an annual report reviewing each of the funds be made public and be reviewed by City Council. Staff has prepared the following exhibits as required: Exhibit A – A summary of the current and past fees, beginning and ending balances for each fee account, total fees collected, interest earned, and total expenditures from each account for FY 2004/2005. Exhibit B – A summary by account of public improvement projects on which fees were expended during FY 2004/2005. Per State law, this information needs to be available to the public at least 15 days prior to review by the City Council. This information was originally received by Council at its meeting on September 7, 2005. FISCAL IMPACT: None. **FUNDING AVAILABLE:** None required. Richard C. Prima, Jr. **Public Works Director** Prepared by Rebecca Areida, Management Analyst RCP/RA/pmf Attachments cc: Wally Sandelin, City Engineer

APPROVED: _____Blair King, City Manager

RESOLUTION NO. 2005-____

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE IMPACT MITIGATION FEE PROGRAM ANNUAL REPORT FOR FISCAL YEAR 2004-05

WHEREAS, the Impact Mitigation Fee Program Annual Report has been available for public review and comment since September 7, 2005, and no comments have been received.

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council hereby approves the Development Impact Mitigation Fee Program Annual Report for Fiscal Year 2004-05, as shown on Exhibit A and B attached.

Dated: November 2, 2005

I hereby certify that Resolution No. 2005-____ was passed and adopted by the Lodi City Council in a regular meeting held November 2, 2005, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

SUSAN J. BLACKSTON City Clerk

2005-____

| | A | В | С | D | E | F | G | Н | 1 | | К |
|----------|------------------------------------|---|--------------------|-------------------|------------------|---|---|-------------------|-------------------|--------------------|--------------|
| 1 | A | Ь | C | U | | | G | П | l I | J | N. |
| <u> </u> | | | | | | | | | | | |
| 2 | | | | | | N FEE PROGR | AM | | | | |
| 3 | | 1 | | F | / 2004/05 An | nuai Report | | | Т | Т | |
| 4 | | | | | | | | | | | |
| 5 | _ | 144 | 147 . | | | 0 | 5 " | | | 0 15 1111 | |
| | Fee: | Wastewater | Water | Storm Drain | | Streets-Regional | Police | Fire | Parks & Rec | General Facilities | Art in PP |
| 7 | Fund #: | 173 | 182 | 326 | 327 | 332 | 1215 | 1216 | 1217 | 1218 | 1214 |
| 8 | Fee Amount 7/1/04 - 12/31/04 (1) | 544 | 4.257 | 12,252 | 5,302 | 3,840 | 1,673 | 1,635 | 21.003 | 6,760 | 2% |
| | Fee Amount 1/1/05 - 6/30/05 (1) | 583 | , - | 16,672 | 7,522 | | 1,792 | 1,751 | , | | 2% |
| 11 | 1 ee Amount 1/1/03 - 0/30/03 (1) | 363 | 4,559 | 10,072 | 1,522 | 3,447 | 1,792 | 1,731 | 25,177 | 7,230 | 2 /0 |
| 12 | Fund Balance - Beginning of Year | 665,324.06 | 2,476,364.72 | 1,823,313.63 | 633,895.67 | (843,252.02) | 68,926.85 | (1,404,850.98) | 1,565,946.58 | 612,606.12 | 396,821.47 |
| 13 | Tana Balance Beginning of Fear | 000,024.00 | 2,470,004.72 | 1,020,010.00 | 000,000.01 | (040,202.02) | 00,320.00 | (1,404,000.00) | 1,000,040.00 | 012,000.12 | 000,021.47 |
| _ | Revenues: | | | | | | | | | | |
| 15 | Investment Revenues | 17,110.93 | 37,206.48 | 80.993.80 | 18,224.02 | 12,119.52 | 12.920.32 | 3,865.98 | 51,921.80 | 38,641.60 | 11,160.17 |
| 16 | Service Charges (Fees) | 67,214.60 | 483,399.74 | 1,627,390.06 | 821,234.32 | 594,931.95 | 354,441.83 | 285,995.47 | 2,169,066.28 | 839,600.87 | 124,869.59 |
| 17 | Other Revenue | , | , | 12,562.50 | 11,482.11 | ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,, | , | / | ,, | | , |
| 18 | | | | , | · | | | | | | |
| 19 | Total Revenue | 84,325.53 | 520,606.22 | 1,720,946.36 | 850,940.45 | 607,051.47 | 367,362.15 | 289,861.45 | 2,220,988.08 | 878,242.47 | 136,029.76 |
| 20 | | | | | | | | | | | |
| 21 | | | | | | | | | | | |
| 22 | Expenditures: | | | | | | | | | | |
| 23 | Capital Projects | (46,299.30) | (269,260.97) | (281,333.57) | (1,200,656.58) | (65,677.67) | 0.00 | 0.00 | (1,089,277.33) | 0.00 | 0.00 |
| 24 | | | | | | | | | | | |
| 25 | Total Expenditures | (46,299.30) | (269,260.97) | (281,333.57) | (1,200,656.58) | (65,677.67) | 0.00 | 0.00 | (1,089,277.33) | 0.00 | 0.00 |
| 26 | | | | | | | | | | | |
| 27 | | | | | | | | | | | |
| 28 | Other Sources (Uses): | | | | | | | | | | |
| 29 | Operating Transfers In | | (40, 400, 00) | (05.055.44) | (404 000 74) | (450 477 40) | | (440,400,04) | | (50,000,00) | (0.000.00) |
| 30 | Operating Transfers Out | | (12,469.68) | (85,255.44) | (164,820.74) | (152,177.10) | | (110,183.04) | | (50,000.00) | (9,299.96) |
| 31 32 | Total Other Sources (Uses) | 0.00 | (40.400.00) | (85,255.44) | (464 000 74) | (452 477 40) | 0.00 | (440 402 04) | 0.00 | (E0 000 00) | (0.200.06) |
| 33 | Total Other Sources (Uses) | 0.00 | (12,469.68) | (65,255.44) | (164,820.74) | (152,177.10) | 0.00 | (110,183.04) | 0.00 | (50,000.00) | (9,299.96) |
| 34 | | | | | | | | | | | |
| 35 | Total Fund Balance - End of Year | \$703 350 29 | \$ 2,715,240.29 | \$3,177,670.98 | \$119,358.80 | (\$454,055)(2) | \$436 289 00 | (\$1,225,172.57) | \$2 697 657 33 | \$1,440,848.59 | \$523,551.27 |
| 36 | Change in Receivables/Payables (3) | 14,095.45 | 27,223.15 | (7,513.78) | 58,570.72 | 9,867.76 | (3,304.92) | (#1,220,112.01) | (15,308.38) | (11,293.29) | (3,965.94) |
| 37 | Interfund Loans | 14,000.40 | (1,225,172.57) | (1,010.70) | 00,070.72 | 676,770.00 | (0,007.92) | 1,225,172.57 | (676,770.00) | (11,200.20) | (0,000.94) |
| 38 | Cash Balance - End of Year | \$717.445.74 | \$1,517,290.87 | \$3,170,157.20 | \$177,929.52 | \$232,582.44 | \$432.984.08 | , , | \$2,005,578.95 | \$1,429,555.30 | \$519,585.33 |
| 39 | | ,, | , ,, | ,, | ,, , | , | ,, | 700 | . ,, | , , , , , , , | , , |
| 40 | | (1) Fees listed a | re per acre for on | e Residential Acr | e Equivalent (RA | AE). Each land use |) | | | | |
| 41 | | | | | | E adjustment factor | | 4.070. | | | |
| 42 | | Fees were a | djusted January 1 | , 2005 per the En | gineering News | Record 20 Cities C | Construction Cost | Index | | | |
| 43 | | | , Streets and Par | | | | | | | | |
| 44 | | | | | | | | | | | |
| 45 | | (2) Ending fund | balance has not b | een reduced for | a Measure K loa | n owing to SJCOG | . This loan balar | nce as of June 30 | , 2004 is \$360,1 | 89 | |
| 46 | | | _ | | | | | | | | |
| 47 | | (3) Difference be | etween investmen | ts and accounts/r | retainages payab | ole | | | | | |

Cell: C30

Comment: Transfer funds from IMF water fund to water capital fund (180) for water facilities constructed prior to 1991 with capacity to serve new development

Cell: D30

Comment: Operating transfer (storm drain fund cost of services)

Cell: E30

Comment: \$85,255,44 - Cost of Services

\$21,065.78 (fy03/04) & \$58,499.52 (fy04/05) - Transfer of funds from IMF local streets fund to street fund (320) for street facilities constructed prior to 1991 with capacity to serve new development

Cell: F30

Comment: \$13,822.70 (fy03/04) & \$42,248.40 (fy04/05) - Transfer of funds from IMF regional fund to street fund (320) for street facilities constructed before 1991 with capacity to serve new development.

\$96,106 - COG loan payment for Hwy 12/99 project.

Cell: H30 Comment: rareida:

Fire truck lease

Cell: J30

Comment: Yearly transfer to General Fund for the costs associated with the administration of the IMF program

Cell: K30 Comment: rareida:

Cost of services transfer to general fund

Cell: C37

Comment: Loan to Fire IMF for Fire Station #4 project.

Cell: F37

Comment: Loan from Parks & Rec IMF for Lower Sacramento Rd project.

Cell: H37

Comment: Loan from Water IMF for Fire Station #4 project.

Cell: 13

Comment: Loan to Regional Street IMF for Lower Sacramento Rd project.

EXHIBIT B IMPACT MITIGATION FEE PROGRAM SUMMARY OF PUBLIC IMPROVEMENT PROJECT EXPENDITURES FY 2004/05

| 173003 MSC Expansion 182002 MSC Expansion 182020 Harney Canal Crossing 182041 Water Utility Planning 182450 Oversized Mains 182457 Well 22 Generator 182465 Well 27 326008 Century Meadows 3, Unit 5 326017 G Basin 326018 Master Storm Drain 326110 Lower Sac Road South | 46,299.30 | 45,912.36 68.34 2,117.94 51,786.90 17,896.00 151,479.43 | 105,193.00 | | | | | | | |
|---|--|--|---|---|---|---|---|--|---|---|
| 182020 Harney Canal Crossing 182041 Water Utility Planning 182450 Oversized Mains 182457 Well 22 Generator 182465 Well 27 326008 Century Meadows 3, Unit 5 326017 G Basin 326018 Master Storm Drain | | 68.34 2,117.94 51,786.90 17,896.00 | 105,193.00 | | | | | | | |
| 182041 Water Utility Planning 182450 Oversized Mains 182457 Well 22 Generator 182465 Well 27 326008 Century Meadows 3, Unit 5 326017 G Basin 326018 Master Storm Drain | | 2,117.94 51,786.90 17,896.00 | 105,193.00 | | | | | | | |
| 182450 Oversized Mains 182457 Well 22 Generator 182465 Well 27 326008 Century Meadows 3, Unit 5 326017 G Basin 326018 Master Storm Drain | | 51,786.90 17,896.00 | 105,193.00 | | | | | | | |
| 182457 Well 22 Generator 182465 Well 27 326008 Century Meadows 3, Unit 5 326017 G Basin 326018 Master Storm Drain | | 17,896.00 | 105,193.00 | | | | | | | |
| 182465 Well 27 326008 Century Meadows 3, Unit 5 326017 G Basin 326018 Master Storm Drain | | | 105,193.00 | | | | | | | |
| 326008 Century Meadows 3, Unit 5 326017 G Basin 326018 Master Storm Drain | | 151,479.43 | 105,193.00 | | | | | | | |
| 326017 G Basin 326018 Master Storm Drain | | | | | | | | | | |
| 326018 Master Storm Drain | | | | | | | | | | |
| | | | 144,022.57 | | | | | | | |
| 326110 Lower Sac Road South | | | 2,118.00 | | | | | | | |
| | | | 30,000.00 | | | | | | | |
| 327002 MSC Expansion | | | | 45,873.23 | | | | | | |
| 327004 Century Meadows (Harney Ln.) | | | | 114,097.80 | | | | | | |
| 327011 Lockeford St. Widening | | | | 116,643.89 | | | | | | |
| 327013 RR Track Removal-Lodi Ave | | | | 828.94 | | | | | | |
| 327014 Central City RR Safety | | | | 2,122.01 | | | | | | |
| 327018 620 S. Cherokee(Improvment agrmt-Cherokee/Tokay) 327019 CCT Mainline Rehab | | | | 100,366.50 | | | | | | |
| | | | | 197,566.50 | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| 327467 1349 E. Kettleman | | | | 147,686.44 | | | | | | |
| 332048 LSR - South | | | | | 55.443.56 | | | | | |
| 332088 Kettleman Gap Closure | | | | | 10,234.11 | | | | | |
| | | | | | | | | | | |
| 1217004 Century Meadows Park | | | | | | | | 1,089,277.33 | | |
| | | | | | | | | 1,089,277.33 | | 0.00 |
| | 332048 LSR - South 332088 Kettleman Gap Closure | 327025 Century Blvd Widening 327027 Stockton St Widening 327071 Lodi/Mills Interconnect 327467 1349 E. Kettleman 332048 LSR - South 332088 Kettleman Gap Closure 1217004 Century Meadows Park | 327025 Century Blvd Widening 327027 Stockton St Widening 327071 Lodi/Mills Interconnect 327467 1349 E. Kettleman 332048 LSR - South 332088 Kettleman Gap Closure 1217004 Century Meadows Park | 327025 Century Blvd Widening 327027 Stockton St Widening 327071 Lodi/Mills Interconnect 327467 1349 E. Kettleman 332048 LSR - South 332088 Kettleman Gap Closure 1217004 Century Meadows Park | 327025 Century Blvd Widening 4,500.00 81,070.00 327027 Stockton St Widening 9 20,457.27 327467 1349 E. Kettleman 147,686.44 332088 Kettleman Gap Closure 1217004 Century Meadows Park | 327025 Century Blvd Widening 327027 Stockton St Widening 327027 Stockton St Widening 327021 Lodi/Mills Interconnect 327047 1349 E. Kettleman 32048 LSR - South 332048 Kettleman Gap Closure 1217004 Century Meadows Park | 327025 Century Blvd Widening 327027 Stockton St Widening 327027 Stockton St Widening 327071 Lodi/Mills Interconnect 327047 1349 E. Kettleman 32048 LSR - South 332048 Kettleman Gap Closure 1217004 Century Meadows Park | 327025 Century Blvd Widening 327027 Stockton St Widening 327027 Lodi/Mills Interconnect 3270467 1349 E. Kettleman 32048 LSR - South 332088 Kettleman Gap Closure 4,500.00 61,070.00 20,457.27 147,686.44 55,443.56 10,234.11 | 327025 Century Blvd Widening 327027 Stockton St Widening 327027 Stockton St Widening 327027 Stockton St Widening 327027 Stockton St Widening 327047 1204 Century Meadows Park 327467 1349 E. Kettleman 55,443.56 32088 Kettleman Gap Closure 11,089,277.33 | 327025 Century Blvd Widening 327027 Stockton St Widening 327071 Lodi/Mills Interconnect 327071 Lodi/Mills Interconnect 327467 1349 E. Kettleman 332048 LSR - South 332088 Kettleman Gap Closure 1217004 Century Meadows Park 4,500.00 61,070.00 20,457.27 147,686.44 55,443.56 10,234.11 |

AGENDA TITLE: Adopt resolution approving the Policy and Procedure Guidelines for Naming of

Parks, Recreation Facilities and Park Features (PR)

MEETING DATE: November 2, 2005

PREPARED BY: Parks and Recreation Director

RECOMMENDED ACTION: That the City Council adopt a resolution approving the Policy and

Procedure Guidelines for Naming of Parks, Recreation Facilities and

Park Features.

BACKGROUND INFORMATION: In February 1990 Eric Whitaker, Administrative Assistant to then

City Manager Tom Peterson, completed a report that analyzed the subject of naming public places, parks and buildings. The study

was precipitated by the City of Lodi Parks and Recreation

Commission's interest in determining the City's policy with respect to naming parks, recreation facilities and parks features.

The report described past practices of the City of Lodi, evaluated sample policies of other cities, made a policy recommendation, and offered a suggested policy draft to be presented to the Commission. The draft policy was presented to the Commission on March 6, 1990, by past Director Ron Williamson and was unanimously approved and adopted as written. The policy and procedure guidelines, however, were never formally presented to and/or ratified by the Lodi City Council – an action that most other cities have followed and one that is consistent with City of Lodi protocol.

The objectives of the 1990 Guidelines were threefold:

- 1. To establish a uniform policy and procedure regarding the naming of parks, recreation facilities, and parks features.
- 2. To facilitate the prompt naming of such facilities so that they would be readily identified and would reflect on the history and geography of our local community.
- To encourage public participation in the naming of such facilities and, as well, the dedication of land or funds by individuals or groups for public use who wish to perpetuate a name of their choice.

Over the years since 1990, the Commission has executed the procedures outlined in the originally authored policy in a variety of ways. Some were done by subjective interpretation of the Commission while others, such as Katzakian Park, were taken to the City Council for formal approval and/or adoption. But it was still apparent that some recommendations were required to go to Council for approval, while others were only taken to Council as a courtesy notification.

| APPROVED: | |
|-----------|--------------------------|
| AFFROVED | |
| | Blair King, City Manager |

Adopt resolution approving the Policy and Procedure Guidelines for Naming of Parks, Recreation Facilities and Park Features (PR) July 6, 2005
Page 2

After carefully reviewing the policy and procedures guidelines that were formerly approved by the Commission, staff concluded that revisions to the policy were necessary, as was the need to formally adopt policy and procedure guidelines by Council resolution. The revised policy was taken to the Commission at the April 5, 2005, meeting. The Commission recommended additional changes to the text and asked that the revised and corrected document be brought back to them for approval.

The newly worded policy and procedures guidelines were unanimously approved by the Commission at the June 7, 2005 meeting, and staff was advised to forward the policy to Council for action and approval.

FISCAL IMPACT: There is no fiscal impact as a result of this action.

FUNDING: None

Tony C. Goehring
Parks and Recreation Director

Prepared by: Steve Dutra, Park Superintendent

TCG/SD:tl

Attachment

cc: City Attorney Park Superintendent

NAMING OF PUBLIC PLACES, PARKS, AND BUILDINGS

I. <u>INTRODUCTION</u>

The City of Lodi Parks and Recreation Commission has recently expressed an interest in determining what the City's policy is with respect to the naming of public places, parks, and buildings. Concurring with the need to establish a City policy to address this area, the Parks and Recreation Director and City Manager have requested that this topic be studied and a formal policy be developed.

This report seeks to describe the past practices of the City of Lodi, evaluate sample policies of other cities, make a policy recommendation, and offer a suggested policy draft.

II. ANALYSIS

The City of Lodi does not have a formal policy currently for the naming of public places, parks, and buildings. Names already given to facilities have come about for a variety of reasons, such as:

A. <u>In Recognition of Individuals</u> – honoring persons prominent in the history of Lodi or who contributed significantly to either the public parks system or the City overall.

Examples include:

Beckman Park
Blakely Park
Glaves Park
Lawrence Park
Hale Park
Emerson Park
Van Buskirk Park
Salas Park

Zupo Field Blakely-Enze Pool Carnegie Forum Killilea Substation

McLane Substation Hughes Combustion Turbine Project

Henning Substation DeBenedetti Park

Pixley Park

B. <u>Functional Description</u> – facility name simply states its purpose without any further description.

Examples include:

City Hall Public Safety Building

Municipal Service Center Public Library

C. Geographic Description – facility name is given with reference to its location only.

Examples include:

Westside Park Lodi Lake Park

Century Park
Vinewood Park
English Oaks Park
Lodi Lake Wilderness Area
Hutchins Street Square
White Slough W.P.C.F.

D. Miscellaneous

Candy Cane Park – noting its small, child-like size

Kofu Park – honoring one of our Sister Cities

Legion Park – honoring a local organization prominent in its development

Given this pattern, a new City facility could be named for virtually any reason and not diverge significantly from past practice.

Several cities were surveyed to determine what their policies were with respect to naming facilities. Their practices can be summarized as follows:

<u>Anaheim</u> – Neighborhood parks adjacent to schools are named after the school to avoid confusion. Those not adjacent are named after a native plant or tree of California. Community parks, regardless of location, are named after significant leaders and events in the history of Anaheim. Names are limited to the deceased. Suitable names are solicited through an essay contest by school children in the general area of the park to be named. This is a policy of the Parks and Recreation Commission.

<u>Fresno</u> – Residents may request that a City facility be named or renamed by submitting a written request to the City Manager. The City Manager relays this to the City Council, who reviews and approves or denies the request. If approved, a public hearing is set and the requesting resident must submit a written report supporting the request to the City Council. The notice of the public hearing is advertised, and public input at the hearing is considered prior to making a Council decision. A Council decision to name or rename a facility is implemented by the adoption of an appropriate resolution. This is a general city policy and covers all facilities.

Merced – First priority is to give parks names with geographical or historical significance. Neighborhood parks adjacent to schools may be named after the school; neighborhood parks not adjacent to schools may be named after bordering streets or after the name of the subdivision or neighborhood. Parks, recreational facilities, or special features within a park may be named after persons living or deceased if the above reasons do not apply or would cause confusion, if there is a special historical significance associated with that person, if this person made an outstanding and unusual contribution to the park and recreation system of the City, or if substantial donations of land and/or money had been made to parks and recreational purposes and the donor stipulates a name as being a condition of the donation. The names of civic groups or organizations contributing significantly to park and/or recreational facilities may also be considered. Written requests are referred to the Recreation and Parks Director, who submits such to the Recreation and Parks Commission for review and recommendation prior to submission to the City Council for final action.

<u>Sacramento</u> – Based on citizen input referred by the Recreation and Parks Department, the City Council determines park names. The policy through practice includes the following reasons for selecting names: persons, usually deceased, who have contributed to the growth and development of the City and/or the City parks system; regionally or nationally recognized individuals; subdivisions and/or neighborhoods; adjacent schools; historically significant names of persons or events; major streets serving as park access; or descriptive terms for a particular ethnic group.

III. SUMMARY

Several clear patterns emerge which suggest guidelines for the naming of City facilities, although it is generally the case that the naming of parks is a separate process from the naming of other City facilities. Since this analysis was done due to the concerns of the City of Lodi Parks and Recreation Commission, the remainder of this analysis will focus on the naming of parks, recreational facilities, and special features within parks. Some of these repeating patterns include:

- A. Citizen input, written requests, initial review by Parks and Recreation Department staff, submission to the Parks and Recreation Commission, and final action by the City Council;
- B. Use of the names of adjacent schools;
- C. Use of other geographic features;

- D. Use of the names of persons or organizations living or deceased who have contributed significantly to the City or its parks and recreation programs; and
- E. A provision to rename a facility in the future.

These patterns are fairly similar to how the naming process has occurred in the City of Lodi despite the lack of a written policy. Specific guidelines would be helpful by reducing confusion, helping to obtain consensus with citizen input, speeding the naming process, and promoting an orderly and fair process.

IV. RECOMMENDATION

Based on the results of this analysis, and in light of patterns noted in a variety of California cities, it is recommended that the City of Lodi Parks and Recreation Commission adopt the attached policy with respect to the naming of parks, recreation facilities, and park features. Other City of Lodi facilities, probably less frequently in need of a written naming policy, should be considered separately.

PARKS COMMISSION POLICY AND PROCEDURE GUIDELINES

Subject: Naming or Renaming of Parks, Recreation Facilities, and Parks Features

I. OBJECTIVE

- A. To establish a uniform policy and procedure regarding the naming or renaming of parks, recreation facilities, and parks features.
- B. To facilitate the prompt naming of such facilities so they will be readily identified and will reflect on the history and geography of our local community.
- C. To encourage public participation in the naming of such facilities, and as well, the dedication of land or funds by individuals or groups for public use who wish to perpetuate a name of their choice.

II. POLICY

- A. Neighborhood parks adjacent to public schools may be named similarly.
- B. Neighborhood parks not adjacent to schools, major parks, recreation facilities, and special features within parks such as playgrounds, picnic areas, sports fields, structures, groves of trees, etc. may be named for the following:
 - 1. Geographic features, such as adjacent streets, neighborhoods, plants or trees, lakes or rivers, etc.
 - 2. Events or persons of historical significance.
 - 3. Individuals, living or deceased, or organizations of local significance bearing a relationship to the City of Lodi or its parks and recreation system. Generally this relationship is noted by outstanding and unusual contributions to the community in terms of leadership, involvement, or substantial and significant donations of land and/or funds.

III. PROCEDURE

- A. Citizen input and/or written requests shall be directed to the Parks and Recreation Director to initiate the process of naming or renaming a City park, recreation facility or park feature.
- B. The Parks and Recreation Director shall receive and review potential names submitted for a new City park, recreation facility or park feature. Upon review, the Parks and Recreation Director shall forward all requests and/or submissions made to the Parks and Recreation Commission. Jointly, the Parks and Recreation Commission and the Parks and Recreation Director will determine the appropriate means of soliciting public input, if deemed necessary, in naming the park, recreation facility or park feature. Such may include, but not necessarily be limited to, advertising in a local newspaper, inviting citizens to participate in the naming process or convening an ad hoc committee composed of representatives of various sectors of the community.

A deadline date for submission of names shall be 45 days from the date the Parks and Recreation Commission determine to proceed with public input. Notification of a public hearing will be posted in compliance with the Brown Act.

- C. The Parks and Recreation Director shall receive these written suggestions and refer a master list of proposed names to the Parks and Recreation Commission following a determined deadline for submissions.
- D. The Parks and Recreation Commission shall review the proposed names and the recommendation of the Parks and Recreation Director. The Parks and Recreation Commission shall then recommend the name deemed the most appropriate and forward its recommendation to the City Council for final consideration and/or approval and adoption of an appropriate resolution.

RESOLUTION NO. 2005-

A RESOLUTION OF THE LODI CITY COUNCIL APPROVING THE POLICY AND PROCEDURE GUIDELINES FOR NAMING OF PARKS, RECREATION FACILITIES AND PARKS FEATURES

NOW, THEREFORE, BE IT RESOLVED that the Lodi City Council does hereby approve the Policy and Procedures Guidelines for Naming of Parks, Recreation Facilities and Parks Features, as attached hereto marked Exhibit A.

Dated: November 2, 2005

I hereby certify that Resolution No. 2005-___ was passed and adopted by the City Council of the City of Lodi in a regular meeting held November 2, 2005, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

SUSAN J. BLACKSTON City Clerk

PARKS COMMISSION POLICY AND PROCEDURE GUIDELINES

Subject: Naming or Renaming of Parks, Recreation Facilities, and Parks Features

I. OBJECTIVE

- A. To establish a uniform policy and procedure regarding the naming or renaming of parks, recreation facilities, and parks features.
- B. To facilitate the prompt naming of such facilities so they will be readily identified and will reflect on the history and geography of our local community.
- C. To encourage public participation in the naming of such facilities, and as well, the dedication of land or funds by individuals or groups for public use who wish to perpetuate a name of their choice.

II. POLICY

- A. Neighborhood parks adjacent to public schools may be named similarly.
- B. Neighborhood parks not adjacent to schools, major parks, recreation facilities, and special features within parks such as playgrounds, picnic areas, sports fields, structures, groves of trees, etc. may be named for the following:
 - 1. Geographic features, such as adjacent streets, neighborhoods, plants or trees, lakes or rivers, etc.
 - 2. Events or persons of historical significance.
 - 3. Individuals, living or deceased, or organizations of local significance bearing a relationship to the City of Lodi or its parks and recreation system. Generally this relationship is noted by outstanding and unusual contributions to the community in terms of leadership, involvement, or substantial and significant donations of land and/or funds.

III. PROCEDURE

- A. Citizen input and/or written requests shall be directed to the Parks and Recreation Director to initiate the process of naming or renaming a City park, recreation facility or park feature.
- B. The Parks and Recreation Director shall receive and review potential names submitted for a new City park, recreation facility or park feature. Upon review, the Parks and Recreation Director shall forward all requests and/or submissions made to the Parks and Recreation Commission. Jointly, the Parks and Recreation Commission and the Parks and Recreation Director will determine the appropriate means of soliciting public input, if deemed

necessary, in naming the park, recreation facility or park feature. Such may include, but not necessarily be limited to, advertising in a local newspaper, inviting citizens to participate in the naming process or convening an ad hoc committee composed of representatives of various sectors of the community.

A deadline date for submission of names shall be 45 days from the date the Parks and Recreation Commission determine to proceed with public input. Notification of a public hearing will be posted in compliance with the Brown Act.

- C. The Parks and Recreation Director shall receive these written suggestions and refer a master list of proposed names to the Parks and Recreation Commission following a determined deadline for submissions.
- D. The Parks and Recreation Commission shall review the proposed names and the recommendation of the Parks and Recreation Director. The Parks and Recreation Commission shall then recommend the name deemed the most appropriate and forward its recommendation to the City Council for final consideration and/or approval and adoption of an appropriate resolution.





AGENDA TITLE: Consideration of a Resolution Establishing Procedures for the Consideration of

Pre-Annexation and Development Agreements

MEETING DATE: November 2, 2005 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council adopt a resolution establishing procedures for

the consideration of Pre-Annexation and Development Agreements.

BACKGROUND INFORMATION: Cities are required by Government Code §65865 to have

established procedures to consider development agreements upon request by a developer. Consequently, the attached Resolution outlines procedures for the consideration of new development

agreements by the City.

DEVELOPMENT AGREEMENTS GENERALLY:

Development agreements are intended to provide certainty in the development process. A development agreement typically provides assurances to the developer that the project can proceed without the City unilaterally altering the rules applicable to the project, such as density, intensity of use, parking standards, etc., or imposing new fees on the project. Benefits to the City include allowing the City to obtain negotiated benefits it could not otherwise exact. A development agreement is a discretionary and legislative act on the part of the City Council. A developer does not have an absolute, unconditional right to a development agreement. Each request for a development agreement is judged on its own merit which is one of the purposes behind the attached procedures—to enable the City to effectively evaluate a development agreement proposal.

PRE-ANNEXATION AGREEMENTS:

Government Code Section 65865(b) authorizes cities to enter into pre-annexation agreements with those having a legal or equitable interest in real property within the City's sphere of influence. Such pre-annexation agreements have been recognized by California courts and upheld, see *Morrison Homes Corporation v. City of Pleasanton* (1976) 58 Cal.App.3d 724. In order to proceed with the consideration of any pre-annexation development agreements, it is necessary to have the appropriate procedures adopted by the City Council which meet the requirements of the Government Code.

The pre-annexation agreement, once adopted, cannot become operative until the annexation process is complete. The agreement must provide a time period during which the annexation is to be completed. If the annexation is not completed within the time specified in the agreement, or any extension thereto, the agreement becomes null and void and of no legal effect.

| APPROV | ED:Blair King, City Manager |
|--------|-----------------------------|

<u>PROCEDURES TO CONSIDER DEVELOPMENT AGREEMENTS OR PRE-ANNEXATION</u> AGREEMENTS:

The attached Resolution provides that a developer desiring a development (or pre-annexation) agreement must provide some public benefit to balance the City's commitment to freeze current regulations. This is designed to ensure that the City receives a good deal in return for development commitments. The procedures also require a developer who desires to have an agreement to deposit the sum of \$5,000 with the City in order to pay costs to process that agreement. Experience in other cities indicates that a substantial deposit ensures that the applicant is serious about pursuing the agreement, and that city costs are easily recoverable. Frequently, the costs incurred in processing an agreement exceed this initial deposit, and the procedures allow the city to recover the difference.

The attached Resolution requires the City Attorney to make an initial determination that the proposed agreement is legally sufficient and enforceable, as well as consistent with the requirements of the Resolution. The Community Development Director next makes a determination regarding the proposed agreement and how the City's current plans and regulations are to address the proposed development. The Community Development Director also reports on the proposed public benefits as a balance for development commitments. The Planning Commission is required to review the proposed Development Agreement under both the procedures and State law. A development agreement must then be considered at a public hearing.

Once the Planning Commission acts on the development agreement, the City Council is required to hold a public hearing and can only approve a development agreement by ordinance.

The procedures, consistent with the requirements of State law, require the agreement to be reviewed annually to determine compliance with its terms and conditions. If the terms and conditions are not being lived up to by the developer, the City may terminate or amend the agreement. In addition to the annual review, the City may review any violation of a term or condition of the agreement and take appropriate action.

There is no fiscal impact anticipated at this time as the Resolution contains a cost recovery provision.

Based upon the foregoing, the City Attorney's Office recommends that the City Council approve the attached Resolution.

FISCAL IMPACT: No fiscal impact to the City because costs will be reimbursed to the City of Lodi through the Development Agreements.

D. Stephen Schwabauer City Attorney

RESOLUTION NO. 2005-

A RESOLUTION OF THE LODI CITY COUNCIL ESTABLISHING PROCEDURES FOR THE CONSIDERATION OF PRE-ANNEXATION AND DEVELOPMENT AGREEMENTS

Development Agreements

WHEREAS, the State Legislature, pursuant to Government Code Section 65864 *et seq.*, has authorized the City to enter into development agreements which provide greater certainty to developers to proceed with approved projects according to local policies and regulations; and,

WHEREAS, Government Code Section 65867 requires a public hearing before the planning agency and the legislative body prior to the adoption of a development agreement; and.

Pre-Annexation Agreements

WHEREAS, Government Code Section 65865(b) authorizes cities to enter into preannexation and annexation agreements with those having a legal or equitable interest in real property within a city's sphere of influence.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI HEREBY RESOLVES, DETERMINES, FINDS, AND ORDERS AS FOLLOWS:

<u>Section One</u>. As a policy, development agreements and/or pre-annexation/annexation agreements should include public benefit(s), beyond those already forthcoming through project approvals and normal impact fees and conditions, in return for commitments to maintain present plans and regulations for determinate periods.

<u>Section Two</u>. The following procedures are approved:

A. Application.

- 1. Consideration of a development agreement, including preannexation/annexation agreement, (Article 2.5, Chapter 4, Title 7 of the Government Code, beginning with Section 65864) shall be initiated by the property owner ("Applicant") filing an application for such consideration with the Community Development Director. The Applicant shall have at the time the application is made a legal or equitable interest in the property. The application shall include:
 - (a) A proposed agreement which conforms to the form approved by the City Attorney and shall include the following:
 - (i) A legal description of the property sought to be covered by the agreement.
 - (ii) A description of the proposed uses, maximum height and size of proposed buildings, density or intensity of use, and provision for reservation or dedication of land for public purposes.
 - (iii) Conditions, terms, restrictions, and requirements for subsequent City discretionary actions.

- (iv) Proposed time when construction would be commenced and completed, including a phasing plan.
- (v) Proposed public benefits inclusive of an implementation phasing plan.
- (vi) Termination date for the agreement, recommended at ten (10) years but subject to negotiation.
- (b) Sufficient information to enable the Community Development Director to perform an initial study pursuant to Public Resources Code Section 21160.
- (c) Sufficient information to establish that the project is consistent with the City's General Plan.
- (d) Such other information as the Community Development Director may require.
- 2. The application shall be accompanied by a five thousand dollar (\$5,000) deposit fee to cover processing costs including but not limited to staff time, legal fees and professional fees. Any overage shall be refunded subsequent to adoption of the agreement or upon termination of the application. Processing costs greater than \$5,000 shall be billed in advance by depositing additional funds in an amount that the Community Development Director may require based on estimated cost of remaining processing. A greater deposit may be required by the City Manager in complex matters.

B. Recommendation and Transmittal.

- 1. The City Attorney shall transmit a letter to the Community Development Director indicating that the proposed agreement is legally sufficient and in accordance with the requirements of this Resolution.
- 2. The Community Development Director, shall, in accordance with adopted City procedures for implementation of California Environmental Quality Act, "CEQA," prepare appropriate environmental documentation and, upon completion of such documentation, shall transmit the application, together with the Community Development Director' report detailing the:
 - (a) Adequacy of existing plans and regulations;
 - (b) Consistency with General Plan and any applicable specific plan;
 - (c) Analyzing the proposed public benefit(s) as a balance for development commitments; and,
 - (d) Indicating why such benefit(s) should/should not be adequate to the Planning Agency.

C. Planning Commission Action.

1. Upon receipt of the application, environmental documentation, completion of the Community Development Director' report, receipt of the City Attorney's letter, and an executed copy of the Agreement by the Applicant, the Community Development Director shall

schedule a public hearing on the application before the Planning Commission. The hearing shall be preceded by public notice given pursuant to Government Code Sections 65090 and 65091 in addition to any other notice required by law for other actions to be considered concurrently with the application.

2. Following the public hearing, the Planning Commission may recommend approval, disapproval, or approval as modified by the Planning Commission of the application and, transmit the same on to the City Council for consideration.

D. City Council Action.

- 1. Upon receipt of the application, environmental documentation, Community Development Director' Report, City Attorney's letter, and Planning Commission recommendation, the City Clerk shall schedule a public hearing on the application. The hearing shall be preceded by public notice given pursuant to Government Code Sections 65090 and 65091 in addition to any other notice required by law for other actions to be considered concurrently with the application.
- 2. The City Council may consolidate the public hearing by the Planning Commission with the City Council public hearing.
- 3. Following the public hearing, the City Council may approve, disapprove, or approve as modified by the City Council the application and, if approved or approved as modified, adopt an ordinance approving the agreement. Said agreement shall not become effective prior to its execution by the Mayor or any other limitations set out in the agreement or its adopting Ordinance.
- 4. Within ten (10) days after the City executes a development agreement, the City Clerk shall cause a copy thereof to be recorded with the County Clerk/County Recorder of the County of San Joaquin.

E. Annual Review.

- 1. All development projects subject to the agreement shall be reviewed by the Community Development Director once every twelve (12) months concurrent with the applicant's (hereinafter referred to as "PROPERTY OWNER" for purposes of describing the non-City parties to the agreement) submittal of an Annual Monitoring Report.
- 2. The purpose of the review shall be to inquire into the good faith compliance of the PROPERTY OWNER with the terms of the agreement and any other matters which may be specified in said agreement.
- 3. Prior to each review, the PROPERTY OWNER shall file a report with the Community Development Director as to development which has occurred under the agreement subsequent to the last past review and any other matters which the PROPERTY OWNER wishes to bring to the Community Development Director' attention.
- 4. The Community Development Director shall prepare an annual review report and set the matter for public hearing by the Planning Commission for recommendation to the City Council. The City Council shall hold a public hearing on the annual review report and consider said report and recommendations by the Planning Commission and approve, modify or terminate.

- 5. The PROPERTY OWNER or any successor to PROPERTY OWNER shall reimburse the City for all costs of the annual review process apportionable to that agreement and shall pay a deposit of \$1,000.
- F. <u>Termination, Cancellation, Modification, and Amendment of Development</u> Agreements.
- 1. Any development agreement may be amended by mutual consent of the PROPERTY OWNER and the City Council or cancelled by the City Council in the same manner as set forth above for entering into such agreement.
- 2. If as a result of a periodic review, the City Council finds and determines, on the basis of substantial evidence, that the PROPERTY OWNER or successor in interest has not complied in good faith with the terms and conditions of the agreement, the City Council may terminate or modify the agreement. Notice of intention to amend or cancel in whole or in part shall be given pursuant to Government Code Section 65867.
- 3. In the event state or federal law or regulations established after the agreement is approved prevent or preclude compliance with one or more provisions of the agreement, the provisions of the agreement shall be modified or suspended as may be necessary to comply with such new law or regulation.

Section Three. The procedures set forth above shall be applicable to pre-annexation and annexation agreements in accordance with Government Code Section 65865(b) and the agreement shall not become operative unless the property subject to the agreement is successfully annexed to the City within the time period specified in the agreement or any extension thereof. In the event the annexation is not completed within the time specified in the agreement, or any extension thereof, the agreement shall become null and void.

| Dated: Novemb | er 2, 2005 | | |
|---------------|------------|------|--|
| | | | |
| | | | |

I hereby certify that Resolution No. 2005-____ was passed and adopted by the Lodi City Council in a regular meeting held November 2, 2005, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

SUSAN J. BLACKSTON City Clerk

2005-____



AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel Relative to the Walmart

SuperCenter Store Litigation and Misc. General Counsel Advice (\$2,433.51), and

Approval of Special Allocation Covering these Expenses.

MEETING DATE: November 2, 2005 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside Counsel relative to the Walmart SuperCenter Store Litigation and Miscellaneous General Counsel Advice in the amount of \$2,433.51, and approval of Special Allocation for these expenses to be paid from the General Fund.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Kronick, Moskovitz, Tiedemann & Girard for services incurred relative to the Walmart SuperCenter Store litigation (\$2,176.00), and miscellaneous costs for general counsel advice (\$257.45) that are currently outstanding and need to be considered for payment. A Special Allocation is required for \$2,433.51, since these matters are to be paid out of the General Fund account.

Kronick, Moskovitz, Tiedemann & Girard

| | | | | l otal | Distribution |
|------------|-------------|----------|------------------------------|----------|--------------|
| Matter No. | Invoice No. | Date | Description | Amount | 100351.7323 |
| 11233.001 | 221540 | 09/25/05 | General advice | 257.45 | 257.45 |
| 11233.026 | 221540 | 09/25/05 | Lodi First v. City of Lodi | 592.26 | 592.26 |
| 11233.027 | 221540 | 09/25/05 | Citizens for Open Govt.v.Col | 1,583.80 | 1,583.80 |
| | | | | | |
| | | | | 2,433.51 | 2,433.51 |

FISCAL IMPACT: Expenses in the amount of \$2,433.51 for legal representation related to miscellaneous City matters being handled by outside counsel will be paid out of the General Fund, \$2,176.00 of this amount will be billed to Walmart for City's defense of the Lodi First and Citizens for Open Gov't. litigation).

| FUNDING AVAILABLE: | General Fund: | \$2,433.51 | |
|-----------------------------|-----------------|------------|--------------------------------------|
| Approved: Jim Krueger, F | inance Director | | D. Stephen Schwabauer, City Attorney |

| APPROVED: | |
|-----------|--------------------------|
| | Blair King, City Manager |



AGENDA TITLE: Ordinance No. 1765 Entitled, "An Ordinance of the City Council of the City of Lodi

Amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.20, 'Electrical Service,' by Repealing and Reenacting Sections 13.20.175 (D)-(1), (5), and (6) Relating to Market Cost Adjustment Billing Factor; and Further Repealing

Section 13.20.185 in its Entirety Relating to Preexisting Electric Rates"

MEETING DATE: November 2, 2005

PREPARED BY: City Clerk

RECOMMENDED ACTION: Motion waiving reading in full and (following reading by title)

adopting the attached Ordinance No. 1765.

BACKGROUND INFORMATION: Ordinance No. 1765 entitled, "An Ordinance of the City Council of

the City of Lodi Amending Lodi Municipal Code Title 13 – Public Services – Chapter 13.20, 'Electrical Service,' by Repealing and Reenacting Sections 13.20.175 (D)-(1), (5), and (6) Relating to

Market Cost Adjustment Billing Factor; and Further Repealing Section 13.20.185 in its Entirety Relating to Preexisting Electric Rates" was introduced at the regular City Council meeting of October 19, 2005.

ADOPTION: With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. <u>Id.</u> All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. *Cal. Gov't Code §* 36934.

Ordinances take effect 30 days after their final passage. Cal. Gov't Code § 36937.

This ordinance has been approved as to form by the City Attorney.

FISCAL IMPACT: None.

FUNDING AVAILABLE: None required.

Susan J. Blackston City Clerk

APPROVED:

Blair King, City Manager

Attachment

ORDINANCE NO. 1765

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI AMENDING LODI MUNICIPAL CODE TITLE 13 – PUBLIC SERVICES – CHAPTER 13.20, "ELECTRICAL SERVICE," BY REPEALING AND REENACTING SECTIONS 13.20.175 (D)-(1), (5), AND (6) RELATING TO MARKET COST ADJUSTMENT BILLING FACTOR; AND FURTHER REPEALING SECTION 13.20.185 IN ITS ENTIRETY RELATING TO PREEXISTING ELECTRIC RATES

WHEREAS, wholesale electricity prices have increased by approximately 38.6% since the last time the Market Cost Adjustment was implemented as a result of unforeseen natural disasters and other worldwide events; and

WHEREAS, the Lodi Electric Utility is currently selling power to its customers at a significant loss: and

WHEREAS, the Lodi Electric Utility is required to set rates under the rate covenants set forth in its bonded indebtedness at 110 percent of its cost of service; and

WHEREAS, continued operation of the Electric Utility at a loss could place the Electric Utility in default of its rate covenants and subject the City to significant litigation, costs, and threaten the Electric Utility's ability to continue providing electric service to its customers; and

WHEREAS, electric service is necessary to provide for the public peace, health, and safety of the residents of the City of Lodi.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

<u>Section 1.</u> Lodi Municipal Code Title 13, "Public Services," Chapter 13.20, "Electrical Service," is hereby amended by repealing and reenacting Section 13.20.175 (D)-(1), (5), and (6) relating to the MCA billing factor and shall read as follows:

- D. Calculation of the Market Cost Adjustment billing factor.
 - 1. When the Electric Utility Director deems that substantial changes in power supply costs have occurred relative to the costs included in base rates, the Market Cost Adjustment billing factor shall be activated following the approval of the City Council in amounts and at times set by Resolution.
 - 5. The Electric Utility Department shall furnish to the City Council a notice of any proposed activation or change in the Market Cost Adjustment billing factor. Any activation or change in the Market Cost Adjustment billing factor requires approval of the City Council in amounts and at times set by Resolution.
 - 6. The Electric Utility Department generally shall make the Market Cost Adjustment billing factors effective as of the first day of the appropriate month. Adjustments to the Market Cost Adjustment shall be no more frequent than quarterly and no less than semi-annually.
- <u>Section 2.</u> Lodi Municipal Code Title 13, "Public Services," Chapter 13.20, "Electrical Service," is hereby amended by repealing Section 13.20.185 in its entirety relating to preexisting electric rates.

<u>Section 3 - No Mandatory Duty of Care</u>. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

<u>Section 4.</u> All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

<u>Section 5.</u> This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect 30 days from and after its passage and approval.

Approved this 2nd day of November, 2005.

JOHN BECKMAN Mayor

Attest:

SUSAN J. BLACKSTON City Clerk

State of California County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1765 was introduced at a regular meeting of the City Council of the City of Lodi held October 19, 2005, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 2, 2005, by the following vote:

AYES: COUNCIL MEMBERS -

NOES: COUNCIL MEMBERS -

ABSENT: COUNCIL MEMBERS -

ABSTAIN: COUNCIL MEMBERS -

I further certify that Ordinance No. 1765 was approved and signed by the Mayor of the date of its passage and the same has been published pursuant to law.

SUSAN J. BLACKSTON City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER City Attorney



AGENDA TITLE: After Second Reading of Ordinance 1765, Approve Resolution Establishing

Market Cost Adjustment(s) to be effective December 2, 2005 (EUD)

MEETING DATE: November 2, 2005

PREPARED BY: Interim Electric Utility Director

RECOMMENDED ACTION: After Second Reading of Ordinance 1765, Approve Resolution

Establishing Market Cost Adjustment(s) to be effective December 2,

2005.

BACKGROUND INFORMATION: On October 18, 2005, the financial status of the Electric Utility was

reviewed with the City Council at a Shirtsleeve Session. This review

demonstrated that:

Purchased power expenses had increased by 29% over the prior year;

- The utility had been operating in a deficit condition (expenses exceeding revenues) since FY03, relying on fund balances (savings) to make up for the difference between revenues and expenses;
- Operating expenses would exceed revenues by \$9.2 million and all remaining fund balances (savings accounts) available to the electric utility would be eliminated during the current fiscal year if a Market Cost Adjustment to rates was not put in place; and
- Delays in implementing the Market Cost Adjustment would cause the electric utility to incur losses of approximately \$800,000 per month that would need to be made up through higher increases to all customers of approximately 1.2% per month for each month of delay in implementing the MCA.

On October 19, 2005, the City Council was presented with the financial information described above for a second time, along with information that set out the Market Cost Adjustment for each class of customer and an assessment of the effect of the recommended Market Cost Adjustment on the average customer within each rate class (See attached summary, Table 1). As part of the October 19, 2005 council meeting, the City Council also received feedback from the public, including the large industrial customers slated to receive the largest increases, that the magnitude of the increase was too large, and the timing of the increase with such short notice significantly and adversely impacted their budgeting and planning processes.

After hearing from staff and the public, and deliberating on staff and public comments, the City Council approved the first reading of Ordinance 1765, which would allow implementation of a Market Cost Adjustment through resolution, and directed staff to modify the originally recommended Market Cost Adjustment to reflect:

- 1. The recommended MCA for the I1 rate class should be reduced by 50%; and
- 2. No customers should receive a decrease in their bill as a result of the Market Cost Adjustment to reflect the principle that the entire community would help to solve the financial problem facing the electric utility.

| APPROVED: | |
|-----------|--------------------------|
| | Blair King, City Manager |

After Second Reading of Ordinance 1765, Approve Resolution Establishing Market Cost Adjustment(s) to be effective December 1, 2005 (EUD)
Page 2 of 2
November 2, 2005

Issue:

Staff is working on a new Market Cost Adjustment (MCA) table to reflect the policy direction expressed by City Council on October 19, 2005; this new table (and associated Resolution) will be distributed in advance of the November 2 Council meeting. For the residential class, the previous winter/summer split has been reduced to a winter MCA that will be applied to residential customer bills such that the end result is that no customer will see a decrease in billing as a result of the MCA and to reflect the fact that the long term rate structure will be put in place before the summer MCA would be applicable. For the industrial class (I1 customers) the recommended MCA has been reduced by 50%. The new table will show the effect of these MCA modifications on an annualized basis on the average customer in each class.

Longer term, the I1 customers have agreed to fund a study that will quantify the economic benefits of industry in Lodi, such that the City Council can make an informed policy decision that incorporates the economic benefits of industry when the Council is asked to approve the long-term rate structure for industrial customers in Lodi towards the end of December.

| FISCAL IMPACT: | The fiscal impact of this action will be to reduce the imbalance between revenues |
|----------------|---|
| | and expenses as described in the body of this staff report. |

FUNDING: Increased sales revenue associated with this action flow to the "Electric Operating

Revenue" accounts.

James R. Krueger, Finance Director

David Dockham Interim Electric Utility Director

DD/lst

Attachment

cc: City Attorney Finance Director

TABLE 1

| | Lodi | Lodi | Lodi | Proposed | | Revenue |
|----------------------|---------------|-------------|-----------|-------------|--------|---------------|
| | Current | Energy | Average | Lodi & PG&E | % | at |
| | Revenue | KWh | \$/kwh | Rate | Change | Proposed Rate |
| EA | \$ 19,637,674 | 134,010,453 | \$ 0.1465 | \$ 0.1603 | 9.38% | \$ 21,478,985 |
| EE | \$ 460,503 | 3,550,200 | \$ 0.1297 | \$ 0.1532 | 18.10% | \$ 543,866 |
| ED Share | \$ 813,324 | 9,658,833 | \$ 0.0842 | \$ 0.0927 | 10.07% | \$ 895,231 |
| EM Domestic | \$ 208,802 | 2,634,762 | \$ 0.0792 | \$ 0.1491 | 88.09% | \$ 392,735 |
| Residential | \$ 21,120,303 | 149,854,248 | \$ 0.1409 | \$ 0.1556 | 10.37% | \$ 23,310,817 |
| G1 | \$ 6,568,419 | 42,511,770 | \$ 0.1545 | \$ 0.1659 | 7.39% | \$ 7,054,106 |
| G2 | \$ 14,016,962 | 108,902,370 | \$ 0.1287 | \$ 0.1496 | 16.23% | \$ 16,291,675 |
| G3 Small | \$ 1,534,402 | 13,092,777 | \$ 0.1172 | \$ 0.1435 | 22.47% | \$ 1,879,240 |
| G4 Medium Industrial | \$ 2,280,317 | 21,224,562 | \$ 0.1074 | \$ 0.1232 | 14.69% | \$ 2,615,360 |
| Dusk to Dawn | \$ 34,228 | 414 | | NA | NA | \$ 37,651 |
| City ES | \$ 761,616 | 8,068,421 | \$ 0.0944 | NA | NA | \$ 837,778 |
| Commercial | \$ 25,195,944 | 193,800,314 | \$ 0.1300 | \$ 0.1482 | 13.97% | \$ 28,715,810 |
| G5 | \$ 1,101,384 | 11,119,420 | \$ 0.0991 | \$ 0.1141 | 15.15% | \$ 1,268,226 |
| I-1 General Mills | \$ 2,351,642 | 36,643,139 | \$ 0.0642 | \$ 0.1141 | 77.72% | \$ 4,179,337 |
| Contract Medium | \$ 424,520 | 4,980,041 | \$ 0.0852 | \$ 0.1232 | 44.55% | \$ 613,657 |
| Contract Large | \$ 3,520,437 | 56,719,861 | \$ 0.0621 | \$ 0.1078 | 73.71% | \$ 6,115,359 |
| Industrial | \$ 7,397,983 | 109,462,461 | \$ 0.0676 | \$ 0.1112 | 64.59% | \$ 12,176,579 |
| | | | | | | |
| System | \$ 53,714,229 | 453,117,023 | \$ 0.1185 | \$ 0.1417 | 19.53% | \$ 64,203,205 |